15 June 2026

Democracy Without Representation

Democracy is one of the integral parts of America. It is one of our foundations, and as such is expressed through the constitution. As America continues to change with new technologies, cultures, and ideas, the constitution has changed with it, but the core idea of democracy never has.

One such change, or amendment, that has done much for democracy has been the 14th amendment, and specifically here, the Equal Protection Clause. The clause empowers democracy through making everyone equal under the law and giving everyone basic rights. This equivocality is necessary to give power to minorities, be they a race, gender, or movement. Without the clause, the majority would always overpower them, leading to minorities being underrepresented.

To begin, one minority that has had a history of underrepresentation in America has been the black people. The clause has been a big part of the fight for equal rights for all people, no matter the race. A big turning point, for example, was in the court case *Brown v. Board of Education*. This case was over whether or not segregation in schools was constitutional. The Supreme Court ruled that it was not, citing the 14th amendment and the clause as grounds. To quote from the transcription of the case, “Segregation of white and Negro children in the public schools… denies to Negro children the equal protection of the laws guaranteed by the Fourteenth Amendment” (United States, Supreme Court) This case was a big win for black rights, and for democracy in general, because a democracy only works correctly when all people are treated equally.

Indeed, Martin Luther King Jr. would agree with this idea. He pushed for black rights, even ending up in jail at one point because of his peaceful protesting. While in jail, he wrote that, "I am cognizant of the interrelatedness of all communities and states… we are caught in an inescapable network of mutuality, tie in a single garment of destiny." (King) King understood that we all depend upon one another, and that a threat to one minority, is in reality a threat to all of democracy, because we are all in this together.

To punctuate this, an additional group that has been aided by the clause has been women's rights. Even though women got the right to vote in 1920, they have had a long history of being seen as 'lesser.' Take, for instance, the peculiar Idaho law that gave preference to men over women when it came to estates. This law was in effect until *1971*, until the Equal Protection Clause shot it down. LegalClarity states that, "the Supreme Court found the Idaho statute unconstitutional because it violated the equal protection clause. This clause requires that state laws treat all individuals alike in similar circumstances." (LegalClarity) Without gender equality, democracy suffers. It's not enough to serve the majority (although saying that males are the majority is questionable) because the purpose of democracy and the government is to serve all people.

Furthermore, on the point of gender equality, one pressing issue in today's landscape is the question of LGBTQ rights. Whatever anyone's stance on the LGBTQ movement, the fact remains that democracy works better when everyone has basic rights. Certainly, that was the stance taken by the Supreme Court in Obergefell v. Hodges. The Supreme Court cited the 14th amendment as a basis for fundamental liberties, like for instance, marriage. While some might argue that this is more of an exercise of the Due Process Clause also found in the 14th amendment, the Supreme Court states that, "The Due Process Clause and the Equal Protection

Clause are connected in a profound way"(United States, Supreme Court) and went on to say that while each highlights a different form of rights, both clauses are concerned with the underlying virtue of basic civil rights for all people.

A final perspective shows the ongoing work of the Equal Protection Clause. The recent 'Black Lives Matter' (BLM) movement shows that the work of the clause is still relevant, and will continue to be relevant to democracy. While the slogan was revitalized in 2020, after police brutality, the movement actually dates back to 2012, when Trayvon Martin was shot. Movements like BLM show that the clause is still as important as ever, because democracy is dependent upon equality under the law, and that doesn't happen by accident. Indubitably, as long as social change is to remain possible in America, the Equal Protection Clause will be a vital part of that change.

In conclusion, the Equal Protection Clause has been an integral part of civil rights, and by extension, democracy. The clause has given a voice to minorities, in the past, creating rights for groups, and in the present, where it continues to give equal protection of the law. America has come a long way from its beginning, and a lot of that has come from this clause. Furthermore, the clause isn't something that was only important in the past. It defends something basic, something that will never go out of style, and something that will always be relevant. Democracy wouldn't be the same without it.

Works Cited

"Brown v. Board of Education (1954)." *National Archives and Records Administration*, National Archives and Records Administration, 18 Mar. 2024, www.archives.gov/milestone-documents/brown-v-board-of-education.

King, Martin Luther. "Letter from Birmingham Jail." *Letter from Birmingham Jail, by Dr. Martin Luther King, Jr.*, 16 Apr. 1963, letterfromjail.com/.

LegalClarity. "Why the Reed v. Reed Case Is a Landmark Decision." *LegalClarity*, 20 July 2025, legalclarity.org/why-the-reed-v-reed-case-is-a-landmark-decision/.

Campbell, Adina. "What Is Black Lives Matter and What Are the Aims?" *BBC News*, BBC, 12 June 2021, www.bbc.com/news/explainers-53337780.

Obergefell v. Hodges, 576 U.S. 644 (2015)