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The Lasting Power of Equal Protection

The Declaration of Independence declares that "'all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.'"("Declaration of Independence"). Yet for much of America's early history, we saw only a small population represented. Women, people of color, and immigrants were denied the opportunities that our founding fathers promised us. Following the Civil War, the United States took a step toward rewriting the failed promises of our founding fathers through the ratification of the Fourteenth Amendment. The Equal Protection Clause states that "no state shall deny to any person within its jurisdiction the equal protection of the laws" ("14th Amendment"). More than a written document, the Equal Protection Clause transformed equality from an unfulfilled promise into a constitutional guarantee. Although its meaning has been debated, the Clause remains the cornerstone of American legal principles because it requires the government to treat all people equally under the law and provides a stance for correcting injustice when equality is denied.

The Equal Protection Clause was intended to ensure that states could not deprive or create laws over one group of citizens while favoring another. In doing so, it sought to fulfill the promise of equality that had existed in America since the founding fathers wrote the Constitution while putting it into practice. However, the clause has not always been interpreted as helping a minority gain rights. An example of this is Plessy v. Ferguson (1896).

In Plessy v. Ferguson, the Supreme Court ruled that racial segregation did not violate the Equal Protection Clause as long as facilities were “separate but equal.” Before the clause, there was a key difference in providing citizens with equality of opportunity. It showed the fault that the 14th Amendment had. In Plessy v. Ferguson (1896), the landmark ruling held that racial segregation didn’t violate the Fourteenth Amendment’s Equal Protection clause as long as families were “separate but equal”. Justice Henry Billings gave the majority opinion. Brown stated that, “even though the Fourteenth Amendment intended to establish absolute equality for the races, separate treatment did not imply the inferiority of African Americans. Even though the Court did not specifically use the phrase ‘separate but equal,’ the Court noted that there was no meaningful difference in equality between the white and the black railway cars, creating the doctrine later named ‘separate but equal.’” (“Seperate”). Although the Clause was created to protect equality, it could be interpreted in a way that allowed discrimination to continue. Rather than advancing equality, the ruling allowed for decades of interest groups and citizens in trying to reverse the ruling through a reinterpretation of the clause.

It wasn’t until the unanimous 9-0 ruling in Brown v. Board of Education (1954) established that it was unconstitutional for schooling to incorporate the “separate but equal” doctrine as a means to implement racial segregation. In ruling segregation as unconstitutional, the clause is a moral code to hold the stance of democracy. The 9 judges came to terms that “The evil of Segregation lay not fundamentally in its actual psychological effects on members of the demeaned group but in the harm constituted by that enforcement and declaration of inferiority, far beyond the (inevitable) inequality in intangibles” (*Separate 12*). If we separate one group of citizens, then we’re not upholding the free nation that our Democracy was founded upon. The ruling on this

court case provided a reevaluation of the Equal Protection Clause. It rewires it into a clause that's out to reinstate citizens' rights back to equilibrium with the rest of society.

Brown offered a renewed understanding of the Equal Protection Clause and its purpose. The clause recognized that equality is a fundamental principle that is worth fighting for. In doing so, Brown reaffirmed that this nation was founded on the principle that liberty cannot have laws that divide citizens. The ruling demonstrated that the Equal Protection Clause is not merely a legal document but a moral code that recognizes the importance of inclusion.

A similar result happened in Shaw v. Reno (1994), where the equal protection clause came as a foundational document when minorities were being underrepresented. The court case ruled that redistricting based solely on a "majority-minority" is unconstitutional. The 5-4 victory for Reno had the 5 judges agreeing that "under the Equal Protection Clause by alleging that the reapportionment scheme is so irrational on its face that it can be understood only as an effort to segregate voters into separate districts on the basis of race, and that the separation lacks sufficient justification." (*Shaw v. Reno*).

While Shaw addressed a different issue than Brown, both cases illustrate the same constitutional principle. The Equal Protection Clause exists to prevent the government from making decisions that classify people primarily by race. In an amicus curiae brief supporting the ruling, Professor James F. Blumstein wrote, "The political processes leading to nomination and election. . . must be 'equally open' to minority and non-minority groups alike… The concepts of 'open(ness)' and opportunity connote the absence of obstacles and burdens that block or seriously hinder voting. The term "open" means, as this Court has held, that the political process must be 'without restrictions as to who may participate.'" (*Supreme 2*) Democracy depends on the foundation that

everyone participates in the political process. When the government creates obstacles for minorities and favors other groups, this leads to a falter in the very foundation of America.

The Equal Protection Clause remains relevant to the legal system today because of its significance. Courts continue to rely on it when evaluating laws involving one of the key principles of what all Americans desire: our liberties. Although the clause has changed interpretation over its century, it has still continued to ensure that all people receive equal treatment under the law. The Clause provides citizens with a tool to challenge unfair treatment and discrimination. Citizens cannot fully enjoy their liberties if they are denied equal protection under the law. While cases such as Plessy v. Ferguson reveal how the Clause can be misunderstood, decisions such as Brown v. Board of Education and Shaw v. Reno demonstrate how it protects individuals. The clause remains the cornerstone of the American legal system because it ensures that equality is a constitutional promise. Through its commitment to justice, the Equal Protection Clause continues to be a safeguard for the rights of all Americans and democracy.

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