ESSAY

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Yakima Valley Museum

Justice William O. Douglas Essay Contest

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Advancing the Promise of Equal Protection

"For Liberty and Justice for All", the nostalgic and renowned phrase we recited each morning before school, highlights the core principles of American Democracy. These six words emphasize the significance of the Equal Protection Clause which ensures that governmental laws are applied fairly, preventing injustice and promoting equality for all citizens. Throughout history, the Equal Protection Clause aided in securing civil rights, and remains the cornerstone of American legal maxims and continues to shape the practice of democracy in contemporary society. It protects citizens from discriminatory laws, and has been a tool to challenge inequalities throughout history. The Equal Protection Clause is the promise of liberty and justice for all.

The Fourteenth Amendment, ratified in 1868, was a direct response to the Civil War and the ongoing oppression of formerly enslaved people in the South (Constitution Annotated, "Fourteenth Amendment"). The amendment consisted of three fundamental principles. It established birthright citizenship, under the Citizenship Clause "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside," (Constitution Annotated, "Fourteenth Amendment"). Which remains the foundation of the U.S. Law and contributes to contemporary political discourse. Additionally, the 14th amendment marked a pivotal moment in civil rights history. Through the

Citizenship Clause it recognized formerly enslaved Black Americans as citizens of the United States and through the Equal Protection Clause states were required to treat all citizens within their jurisdiction equally under the law (Constitution Annotated, “Fourteenth Amendment”). These subtle provisions were a step forward for securing civil rights protections, and set the precedent for future legislation and social conduct.

Before the 14th Amendment’s Equal Protection Clause was created, a series of laws passed throughout the South in the wake of emancipation. Black codes were laws designed to abridge freedoms of African Americans and attempt to exploit Black Americans for cheap labor, after slavery was abolished during the Civil War (Constitution Annotated, “Fourteenth Amendment”). Although, slavery was eradicated, African American freedom remained the topic of discussion. Black Codes guaranteed some basic rights to African Americans, such as the right to own property and the right to marry. However, the Black Codes were created to limit the freedom of the newly emancipated African Americans. It limited what employment opportunities African Americans could have, what property they could own, and prevented Black citizens from voting.

Eventually, the federal government intervened, after the Black Codes infuriated abolitionists, and the North which ultimately led to the Reconstruction Era, and the creation of the Civil Rights Act of 1866. The Civil Rights Act of 1866 solidified civil rights, it guaranteed citizenship to all those who were born in the United States (Civil Rights Act of 1866). The Reconstruction Era gave birth to the Fourteenth Amendment’s Equal Protection Clause, prohibiting the state from denying an individual equal protection under the law. The Equal Protection clause marked a significant legislative change in securing civil rights, and became the foundation of the fight for civil liberties.

After the Reconstruction Era, and the establishment of the 14th Amendment, the Equal Protection Clause faced contrasting interpretations throughout its history. In 1896, the landmark case Plessy v. Ferguson established that state-mandated racial segregation did not violate the Equal Protection Clause of the 14th Amendment (Oyez, "Plessy v. Ferguson"). The 7-1 decision permitted the justification of the Jim Crow Era, establishing "separate but equal" (Oyez, "Plessy v. Ferguson"). This major setback in the fight for civil rights revealed a fault in American democracy and the interpretation of the Equal Protection Clause in the constitution. After decades of oppressive Jim Crow laws and not practicing equal protection under the law, the historic verdict Brown v. Board of Education overturned state-sanctioned segregation in schools. The unanimous ruling established that Plessy v. Ferguson violated the Fourteenth Amendment's Equal Protection Clause, declaring it unconstitutional (National Archives, "Brown v. Board of Education").

Although the diction of the Equal Protection Clause remained unchanged, the interpretation of the Clause evolved over time, which led to setbacks and then eventually major progress in civil rights.

Throughout history, The Equal Protection Clause expanded civil liberties establishing, "No State shall make or enforce any law which shall abridge…. nor deny to any person within its jurisdiction the equal protection of the laws" (Constitution Annotated, "Fourteenth Amendment"). Equal Protection, aided in desegregation in public schools, overturning Plessy v. Ferguson. Alongside, the decision set the precedent for equal access to education, eventually leading to the 1982 Plyler v. Doe ruling which declared that the government cannot deny free public education to undocumented children, under the Equal Protection Clause (Plyler v. Doe).

Although the right to vote wasn't secured until the 15th amendment, the 14th amendment acted as a pillar for the 15th amendment. The 14th amendments Equal Protection dismantled inequitable legislation, which assured African Americans protection under the state.

Historically, Equal Protection has led to substantial advancements in civil rights, however the 14th Amendment's Equal Protection Clause continues to influence contemporary issues, shape modern discourse, and the practice of American democracy. In 2015, the court ruled Obergefell v. Hodges, guaranteeing Americans the constitutional right to marry, which legalized same-sex marriages under the Equal Protection Clause and Due Process Clause detailed in the 14th Amendment (Flores et al., Williams Institute). To solidify the ruling, in 2022, the Respect for Marriage Act was signed into law to emphasize the recognition of same-sex and interracial marriages (Library of Congress, "Respect for Marriage Act"). Additionally, a more recent and ongoing example is the landmark decision, Louisiana v. Callais ruled that Louisiana's congressional map was unconstitutional due to its explicit racial gerrymandering, under the Equal Protection Clause (Library of Congress, "Congressional Redistricting").The Equal Protection Clause remains anchored to securing voting rights to African Americans, and to securing equality for marginalized groups.

As I recite the nostalgic phrase, "Liberty and Justice for all" it echoes throughout the school halls each morning, the echo symbolizing more than a daily routine, but an enduring struggle, and significant progress for American democracy. The echo connects the history of the past and the present, revealing how the pursuit of equality under the law is ever changing, and that it is our civic duty to contribute to that change.

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