

# The importance of the 14th amendment



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The fourteenth amendment covers equal protection as well as due process. One of the most influential amendments that is still playing a huge role even today in the court system is the equal protection clause. This clause which states in section 1 " No State shall... deny to any person within its jurisdiction the equal protection of the laws. " In section 5, the Amendment establishes the federal civil rights legislation: " The Congress shall have power to enforce, by appropriate legislation, the provisions of this article. These clauses have been the basis for many court challenges, and ultimately the Supreme Court must decide if discrimination issues are unreasonably discriminatory against a particular group or class of individuals. This country has witnessed laws challenged under this Amendment such as the separate but equal laws, also known as Jim Crow laws. The Supreme Court must use three different tests to determine if a law breaks the equal protection clause.

The three tests are to include strict scrutiny, which prevents certain groups from practicing a fundamental right, such as freedom of speech. The law must be a compelling state interest. A law based on a suspect classification such as race falls under this test. There must be justification that a law is written and it is a compelling state interest. The next test is intermediate scrutiny. This is more difficult for the Court to decide on, but under this test, laws based on gender classification are allowed only when they are clearly related to a government issue.

The punishment for statutory rape was an example used. Men are punished but women generally aren't. The reason being, women are the ones who become pregnant, so an over age man who impregnates an under aged girl has left her dealing with the ramifications of his actions. It is not as clear cut

with an over aged women and under aged male. Yet having separate drinking ages for males and females does not meet the criteria of the intermediate scrutiny because it is unreasonable to think there should be any different in the genders in this case.

The last test is the rational test. Most laws pass this test as most laws are reasonable. An example given was a city that didn't want street vendors in a certain area of town. The city just needs to show that it is reasonable to not want vendors in an area because the city doesn't want an increase in traffic issues in an area, or any other reasonable justification for prohibiting certain actions. This clause however has been used to eventually overturn the idea that separate but equal is constitutional.

In 1955, the Supreme Court ruled that segregated school was a violation and even harmful to children. Much of the civil rights movement was based on this clause, that all people are to be equal under the eyes of the law. Today we are looking at very similar battles going on in our courts. It is no longer an issue of race or even gender, but disabilities and sexual orientation. Many are fighting for their equal protection under the law. They aren't asking for special treatment, just equal treatment, as protected by the Fourteenth Amendment.