

3.10: Social Movements and Equal Protection

Explain how constitutional provisions have supported and motivated social movements.

The Fourteenth Amendment's revolutionary impact goes beyond the application of the "due process" clause. Its "equal protection" clause, as well, has dramatically changed the arc of American government. Many have written that the ultimate purpose of government is to superintend social cohesion and happiness. If so, advancing and defending equality must be seen as government's greatest challenge. The Declaration of Independence certainly upholds liberty but it endorses equality as well. It would be difficult to imagine real freedom without equality. **The Fourteenth Amendment's "equal protection clause" as well as other constitutional provisions have often been used to support the advancement of equality.**

If "due process" rights protect our individual civil liberties than "equal protection" safeguards our civil rights. Civil liberties protect individuals and their individual rights. Civil rights protect groups and their equal treatment. The U.S. Constitution, at one time considered a "slave document," is now seen as a beacon for both civil liberties and civil rights. The people and its government have been empowered to bring about a "perfect equality." Realizing this promise, however, has been "America's dilemma." Defending equality almost tore us apart during the American Civil War. But as Lincoln wrote in his Gettysburg Address, we fought for "a new birth of freedom." We continue to fight. Our form of representative democracy upholds majority rule while putting in place protections for minority rights.

The equal protection clause of the Fourteenth Amendment not only inspires formal public policy debate inside the institutions of government but also motivates "we the people" to act. We should never underestimate how the advances in equality here was in part a by-product of courageous leadership. Social movements throughout history have ignited policy changes. Never was this more apparent than in the 1960s. In the black community the leadership of Martin Luther King, Jr. deserves the attention he receives. Beyond being a community organizer King's speeches and essays inspired many to fight for greater equality. In his seminal essay *Letter from a Birmingham Jail* (1963) King wrote,

Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.

Women as well saw their civil rights improved during this time, thanks in part to a number of outspoken leaders. Betty Friedan and others founded the advocacy group the *National Organization of Women* (NOW) in 1966. Friedan argued that their purpose was

To take action to bring women into full participation in the mainstream of American society now, exercising all privileges and responsibilities thereof in truly equal partnership with men.

The civil rights movement of the 1960s heralded the rights of African-Americans and Women. Subsequently it was extended to Latinos. Today such civil rights are being waged on behalf of the LGBT community and the Pro-Life movement.