

The Fourteenth Amendment: Civil Rights and Abortions

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American civil liberties have always been a point of contention. During the Reconstruction Era, however, the conversation regarding rights became more prominent, leading to the Thirteenth, Fourteenth, and Fifteenth Amendments, all of which granted liberties to the African American populace in America.¹ Out of the Fourteenth Amendment, cases regarding rights citizens are subject to have arisen have been many cases regarding what rights American citizens are subject to. These cases settled arguments regarding marriage, sexuality, reproductive rights, and other imperative human rights. Cases such as *Loving v. Virginia*, which ensured that couples of different races² were able to marry, and *Obergefell v. Hodges* established that couples of the same sex³ had the right to marry; *Lawrence v. Texas* legalized sexual conduct between consenting partners who were of the same sex.⁴ Others were related to contraceptives and abortions. *Griswold v. Connecticut* established that married couples had the right to access birth control,⁵ while *Eisenstadt v. Baird* extended that right to everyone.⁶ The landmark case, *Roe v. Wade*, made the right to an abortion protected by the Constitution,⁷ but was overturned by *Dobbs v. Jackson* in 2022.⁸ *Roe v. Wade's* overturning was based on the premise that the right was not “‘deeply rooted’ in the country’s ‘history and tradition.’”⁹ This decision opened up a series of detrimental policies that not only reduce the quality of life and economic achievement but also remove other vital civil liberties. Cases, such as *Griswold v. Connecticut*, *Obergefell v. Hodges*,

and *Lawrence v. Texas*, are all at risk of being overturned.¹⁰ Additionally, access to birth control and contraceptives has been proved to increase opportunities and financial status and decrease gaps and discrepancies between groups.¹¹ The right to an abortion is a necessary one; it keeps people out of poverty, reduces gaps between poorer women of color and upper-class white women, and allows for opportunities for economic advancement. Abortions, along with other forms of contraceptives, improve one’s quality of life and are crucial to other civil rights. The Fourteenth Amendment is a vital one, protecting the rights of minority groups that need to be protected.

Following the Civil War, America entered the Reconstruction era, in which the social and political rights of the previously enslaved populace drastically changed. During this time period, the nation reunified the states and determined rights to give to African Americans. In order to do so, the US government enacted various types of legislation to end slavery and provide civil rights to the newly freed men and women who were formerly enslaved. For example, the Civil Rights Act of 1866 overrode restrictive and racist Black Codes (southern laws that attempted to restore forms of quasi-slavery) and ensured that Blacks had access to civil rights such as the right to own property and to enter into contracts.¹² In addition, the US also passed and ratified the Thirteenth, Fourteenth, and Fifteenth Amendments. Each of the amendments focused on expanding the rights granted to African Americans: the Thirteenth Amendment outlawed slavery¹³ and the Fourteenth Amendment granted citizenship and sought to constitutionalize the civil rights enshrined in the 1866 Civil Rights Act.¹⁴ The Fifteenth Amendment

1 Brain Craig Miller, “Overview: Reconstruction Amendments—Thirteenth, Fourteenth, and Fifteenth Amendment” (*Reconstruction Amendments: Thirteenth, Fourteenth, and Fifteenth Amendment*).

2 Richard A. Leiter and Roy M. Mersky, “Loving v. Virginia.”

3 David Schultz, “Obergefell v. Hodges.”

4 Richard A. Leiter and Roy M. Mersky, “Lawrence v. Texas.”

5 Kathryn Cullen-DuPont, “Griswold v. Connecticut” (*Encyclopedia of Women’s History in America*, Second Edition).

6 James C. Foster, “Eisenstadt v. Baird.”

7 Chris Bodenner “Roe v. Wade.”

8 Josh Gerstein and Alexander Ward, “Supreme Court has voted to overturn abortion rights, draft opinion shows.”

9 Gerstein and Ward, “Supreme Court has voted to overturn abortion rights, draft opinion shows.”

10 Quint Forgy and Josh Gerstein, “Justice Thomas: SCOTUS ‘should reconsider’ contraception, same-sex marriage rulings.”

11 “New Study Confirms What Many Have Long Believed to be True: Women Use Contraception to Better Achieve Their Life Goals.”

12 George Childs Kohn, “Civil Rights Act of 1866.”

13 “13th Amendment to the U.S. Constitution: Abolition of Slavery (1865).”

14 “14th Amendment to the U.S. Constitution: Civil Rights (1868).”

stopped short of enfranchising former slaves, but it forbade states and the federal government from using race as a reason to deny voting rights.¹⁵

Of these constitutional amendments, the Fourteenth Amendment's importance lies in its breadth, scope, and its ability to check the actions of the states. The Fourteenth Amendment begins with "No state shall..." and establishes the fact that federal courts are allowed to investigate state laws and judicially review them. Additionally, the Fourteenth Amendment aimed to extend rights by granting birthright citizenship and enfranchising African American men,¹⁶ guaranteeing that "All persons born or naturalized in the United States" are citizens.¹⁷ Additionally, the Fourteenth Amendment constitutionalized broad and vague language to protect a wide array of rights; these sweeping provisions include the immunities and privileges of US citizenship, due process, and equal protection of the law. The reason for this, presumably, is that the writers of this amendment wished for the law to extend and apply itself to reach broader rights in the future. Of these vague and general provisions includes the due process clause, which reads, "nor shall any state deprive any person of life, liberty, or property, without due process of law," protects substantive rights that are unenumerated in the text of the amendment.¹⁸ Though it is of a few words in length, the due process clause has an outsized importance in American constitutional law because it allows for the Supreme Court to find and allow new rights to arise that are not explicitly mentioned in the Constitution.

An equally important clause in the Fourteenth Amendment is the equal protection clause, which promises equal treatment under the law and establishes that states must govern impartially.¹⁹ Over the twentieth century, this clause has become crucial to the civil rights movement in America, as the equal protection clause forbids states from practicing racial or gender-based discrimination. It became the basis for rights to be federally protected. The Fourteenth Amendment stating "No state shall..."²⁰ also confirms and establishes the fact that federal courts are allowed to investigate state laws and judicially review them. From the Fourteenth Amendment arose many cases about the nature and extent of the rights protected by its provisions, particularly the due process clause.

One of the most famous cases that arose from this amendment was *Griswold v. Connecticut*, which reasoning was based on

15 "15th Amendment to the U.S. Constitution: Voting Rights (1870)."

16 Behrend, Justin J. "Fourteenth Amendment to the U.S. Constitution."

17 "14th Amendment to the U.S. Constitution: Civil Rights (1868)."

18 Nathan S. Chapman and Kenji Yoshino, "The Fourteenth Amendment Due Process Clause."

19 "Equal Protection."

20 "United States of America 1789 (rev. 1992)."

the due process clause to establish the right to privacy and the right to contraception for married couples.²¹ The *Griswold* case began when Dr. Charles Lee Buxton, the chair of Yale University's obstetrics department, and Estelle Griswold, the executive director of the Planned Parenthood League of Connecticut, were arrested and charged for managing a birth control clinic for married women.²² At the time, Connecticut law forbade the use of birth control. The law claimed that "Any person who uses any drug, medicinal article or instrument for the purpose of preventing contraception shall be fined not less than fifty dollars or imprisoned not less than sixty days nor more than one year or be both fined and imprisoned," as well as "Any person who assists, abets, counsels, causes, hires or commands another to commit any offense may be prosecuted and punished as if he were the principal offender."²³ In court, Thomas Emerson, who represented Griswold and Buxton, argued that "the 1879 birth control law prevented his clients and their patients from exercising their right to free speech, which was guaranteed by the First Amendment, and their right to liberty, which the Fourteenth Amendment guaranteed could not be abridged 'without due process of law.'"²⁴ Eventually, the case made its way up to the Supreme Court, which, in a 7-2 decision, ruled that anti-birth control laws were invalid.²⁵

Griswold v. Connecticut found that "married people were able to use birth control and that banning contraception was unconstitutional."²⁶ The majority opinion, written by Justice William Douglas, found that the Constitution protected access to birth control through the implicit right to privacy given by the First, Third, Fourth, and Fifth Amendments.²⁷ Additionally, the Court confirmed that the right to privacy was protected by the due process clause of the 14th Amendment. The right to privacy, as defined by Cornell Law School, is one's right "against undue government intrusion into fundamental personal issues and decisions."²⁸ Relying in part on the Fourteenth Amendment and in part from implicit protections found in the Bill of Rights, the US Supreme Court recognized a constitutional right to privacy.²⁹

As noted above, this privacy right was in part based on the "penumbras" emanating from multiple amendments in the Bill of Rights: the Court "...found the right that *Griswold v. Connecticut's* ruling was also based on penumbras from the First, Fourth, and Ninth Amendments.³⁰ As Cornell Law School's Legal Information Institute says, "The First

21 "Right to Privacy."

22 Cullen-DuPont, "Griswold v. Connecticut."

23 Cullen-DuPont, "Griswold v. Connecticut."

24 Cullen-DuPont, "Griswold v. Connecticut."

25 Cullen-DuPont, "Griswold v. Connecticut."

26 "Griswold v. State of Connecticut."

27 "Griswold v. Connecticut (1965)."

28 "Constitutional Law."

29 "Griswold v. Connecticut (1965)."

30 "Privacy."

Amendment has a penumbra where privacy is protected from governmental intrusion,' the Court said. 'While it is not expressly included in the First Amendment, its existence is necessary in making the express guarantees fully meaningful.'³¹ The Fourth Amendment prohibits the use of unlawful searches, searches that citizens have not consented to.³² This inherently establishes that American citizens have a right to deny the government from investigating their property, which easily extends itself to the right to privacy. The Ninth Amendment, which allows for unenumerated rights,³³ also gives the Court to instate the right to privacy. This landmark case was one of the first steps toward the legalization of birth control, signifying the belief that people should be free from interference by the state regarding birth control and other contraceptives.

The results of *Griswold v. Connecticut* were astronomical; the Guttmacher Institute found that contraception allowed users to better care for themselves and achieve their goals.³⁴ These participants reported that birth control allowed them to take better care of their family, complete their education, receive and maintain a job, and financially support themselves.³⁵ By being able to control when they have children—or choosing to not have children—people with the ability to get pregnant are able to control their life and improve their finances and education. Having a child is costly; the USDA reports that parents spend \$233,610– or 284,570 if inflation is factored in— on food, shelter, and other basic necessities for a child, not including the expense of a college education.³⁶ Birth control prevents people from getting pregnant when they do not have the economic means to support a child, allowing for them to focus on their finances, gain further education, or both. One study, done by the Population Studies Center at the University of Michigan, found that college enrollment was 20 percent higher for women who had access to birth control compared to those who did not.³⁷ Women who have children have the responsibility to nurture them, taking away time, money, and resources that are frequently used in a college education. While some women do have the resources and ability to do both, many do not; having a child because they had no access to birth control forces them to care for their child rather than pursue higher education. Contraceptives have also been proven to improve the quality of many lives.

31 "Privacy."

32 "United States of America 1789 (rev. 1992)."

33 "United States of America 1789 (rev. 1992)."

34 "New Study Confirms What Many Have Long Believed to be True: Women Use Contraception to Better Achieve Their Life Goals."

35 "New Study Confirms What Many Have Long Believed to be True: Women Use Contraception to Better Achieve Their Life Goals."

36 Mark Lino, "The Cost of Raising a Child."

37 Martha J. Bailey, Brad Hershbein, and Amalia R. Miller, "The Opt-In Revolution? Contraception and the Gender Gap in Wages."

As the Institute for Women's Policy Research found, access to contraceptives also decreased the probability of a woman living in poverty by twenty percent.³⁸ A study published by Oxford University Press found that access to contraceptives by the age of twenty-one increased the number of women in the workforce and hours worked, improving financial situations and promoting gender equality.³⁹ Furthermore, *Griswold* paved the way for the legalization of abortions through the case of *Roe v. Wade*. *Griswold*, which legalized birth control, easily applied itself to the case of abortions, as both regard reproduction and pregnancy; additionally, the Court found that the Fourteenth Amendment extended itself to the right to an abortion.⁴⁰

After *Griswold v. Connecticut*, another case, *Eisenstadt v. Baird*, extended the right to contraception to those who were unmarried. The case began when William Baird, a birth control advocate, was arrested for distributing articles about contraceptives and delivering a woman a package of vaginal foam.⁴¹ He was convicted of violating a Massachusetts law that stated that those who gave away "... any drug, medicine, instrument or article whatever for the prevention of conception...." except "[a] registered physician may administer to or prescribe for any married person drugs or articles intended for the prevention of pregnancy or conception"⁴² were subject to a maximum of five years in prison.

Eisenstadt v. Baird was eventually decided by a 6-1 vote, in which Justices Powell and Rehnquist did not participate and Justice Burger dissented.⁴³ Justices White and Blackmun argued that Baird's conviction could not stand, as *Griswold* had established Baird's right to distribute contraceptives to married people.⁴⁴ Additionally, Justice Brennan's opinion allowed for the right to contraception to extend to all those who needed it. He had claimed that the lack of this extension would be in violation of the Fourteenth Amendment's equal protection clause, writing that "...whatever the rights of the individual to access to contraceptives may be, the rights must be the same for the unmarried and the married alike;" Justices Douglas, Marshall, and Stewart supported Justice Brennan's claim.⁴⁵ Justice Brennan's opinion in *Eisenstadt v. Baird* broadened the right to privacy and the right to contraceptives, paving the way for the decision in *Roe v. Wade*.⁴⁶

One of the most well-known cases associated with the Fourteenth Amendment is the case *Roe v. Wade*. Norma

38 "The Economic Effects of Contraceptive Access: A Review of the Evidence."

39 Martha J. Bailey, "More Power to the Pill."

40 Cullen-DuPont, "Griswold v. Connecticut."

41 Foster, "Eisenstadt v. Baird."

42 Foster, "Eisenstadt v. Baird."

43 Foster, "Eisenstadt v. Baird."

44 Foster, "Eisenstadt v. Baird."

45 Foster, "Eisenstadt v. Baird."

46 Foster, "Eisenstadt v. Baird."

McCorvey, who would eventually file under the name “Jane Roe,” wished to receive an abortion in Texas, where she resided.⁴⁷ However, in this state abortion was banned and heavily criminalized.⁴⁸ McCorvey, who wished for reproductive rights, filed a lawsuit against Henry Wade, the district attorney of Dallas County.⁴⁹ Eventually, the case made its way up to the Supreme Court of the United States, where, in a 7-2 decision, the Court had found that women had a fundamental right to an abortion; however, the states were able to regulate abortions regarding the trimester.⁵⁰ *Roe* established that states could not interfere with abortions during the first trimester, but by the third, the state had to right to.⁵¹

The *Roe* decision was heavily based on the Fourteenth Amendment’s due process clause, which protects the fundamental right to privacy articulated in *Griswold v. Connecticut*. This right, which ensured that married couples were able to have access to birth control, easily and logically extended the right to control one’s reproductive freedom, and therefore to have the right to access abortion care. When the Supreme Court made its decision in *Roe*, the Court based the right to abortion care on “... the right to privacy, as derived from the Fourteenth Amendment, and extended the right to encompass an individual’s right to have an abortion: ‘This right of privacy . . . founded in the Fourteenth Amendment’s concept of personal liberty and restrictions upon state action . . . is broad enough to encompass a woman’s decision whether or not to terminate her pregnancy.’”⁵² Additionally, the Court’s ruling in the *Eisenstadt v. Baird* case played a role in the decision of *Roe v. Wade*. This case, which extended birth control to every citizen, married or unmarried, established the fact that access to contraceptives was a constitutional right. The Court’s ruling in “...*Eisenstadt v. Baird* broadened the right of privacy in ways that paved the way for *Roe*.”⁵³ By extending the rights established in Fourteenth Amendment, the Supreme Court allowed it to apply to abortions, thus making them a constitutional right.

Over time, many cases regarding abortions expanded or made minute changes to this right. In *Doe v. Bolton*, the ACLU filed against a Georgia law that prohibited abortions except “... when necessary to preserve a woman’s life or health or in cases of fetal abnormality or rape”⁵⁴ and required the approval of a hospital committee, two doctors, and the own patient’s doctor.⁵⁵ The Court found that such a law was

unconstitutional, as it violated the patient’s right to decide and caused too many restrictions for one to receive an abortion.⁵⁶

Another case that modified the *Roe* decision was *Planned Parenthood v. Casey*. This case upheld *Roe v. Wade*, but reframed *Roe*’s trimester rule; it ruled that restrictions on abortions were to be based on fetus viability and whether or not state restrictions placed an “undue burden” on the person seeking abortion care.⁵⁷

However, the case that has impacted *Roe v. Wade* the most has been *Dobbs v. Jackson Women’s Health Organization*. In 2018, a Mississippi law banned abortion after 15 weeks of pregnancy with no exceptions for rape or incest.⁵⁸ An abortion clinic, Jackson Women’s Health Organization sued, and a federal district court found that the law violated *Roe v. Wade* and *Planned Parenthood v. Casey*.⁵⁹ Mississippi appealed the decision to the US Supreme Court and, in a 6-3 decision, took away the constitutional right to an abortion and allowed for the states to decide whether or not they wished to make abortions accessible.⁶⁰ In a draft opinion, which was originally obtained by POLITICO, Justice Samuel Alito wrote “*Roe* was egregiously wrong from the start” and that “We hold that *Roe* and *Casey* must be overruled.”⁶¹ Additionally, Alito wrote that the right to an abortion was not “‘deeply rooted’ in the country’s ‘history and tradition.’”⁶² Since the right to an abortion is no longer a right protected by the federal government, access to abortions now rests within the state laws.

After *Roe* was overturned, many states in America quickly restricted access to abortions. In order to do so, these had trigger laws in place (before the *Dobbs* decision) that would be “triggered” and in effect, would place heavy bans on abortions.⁶³ Once the Court ruled that abortions were no longer protected by the Constitution, these laws quickly were enacted; some of these laws banned abortions immediately, some after 30 days of the Court’s ruling, and some that required a process step to ban access to abortions.⁶⁴ Another type of ban is the pre-*Roe* ban. Before the *Roe* decision,

56 “Timeline of Important Reproductive Freedom Cases Decided by the Supreme Court.”

57 Elizabeth Purdy “Planned Parenthood of Southern Pennsylvania v. Casey.”

58 “*Dobbs v. Jackson Women’s Health Organization*.”

59 “*Dobbs v. Jackson Women’s Health Organization*.”

60 Nancy Northup, “*Dobbs v. Jackson Women’s Health Organization*.”

61 Gerstein and Ward, “Supreme Court has voted to overturn abortion rights, draft opinion shows.”

62 “*Dobbs v. Jackson Women’s Health Organization*.”

63 Elizabeth Nash and Isabel Guarnieri, “13 States Have Abortion Trigger Bans—Here’s What Happens When *Roe* Is Overturned.”

64 Nash and Guarnieri, “13 States Have Abortion Trigger Bans—Here’s What Happens When *Roe* Is Overturned.”

47 “*Roe v. Wade*”

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50 Bodenner, “*Roe v. Wade*.”

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54 “Timeline of Important Reproductive Freedom Cases Decided by the Supreme Court.”

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most states repealed their abortion bans, but some did not. After the Supreme Court overturned *Roe*, these states may attempt to revive these abortion bans.⁶⁵ Some other bans that have the potential of being enacted are the pre-viability gestational bans, method bans,⁶⁶ which prohibit specific methods of abortion, such as dilation and extraction, and reason bans, which prohibit abortion if it is needed for a particular reason.⁶⁷

Now that the Supreme Court has ruled that *Roe v. Wade* is unconstitutional, the impacts and damages are imminent. Those who access abortion more—according to the Guttmacher Institute are around the ages of eighteen to twenty-nine, Black or Hispanic, and economically disadvantaged⁶⁸—are the ones who will be negatively impacted the most. Having and raising a child is costly—it takes time, effort, and money. Many women who seek out abortions are already experiencing economic hardships, and adding the costs of raising a child would only make the issue worst. According to the organization Advancing New Standards in Reproductive Health (ANSIRH), those who were denied an abortion were four times more likely to fall below the Federal Poverty Level than those who received an abortion.⁶⁹

But the economic detriments do not end there; the ANSIRH found that women who wished to receive an abortion but were denied one, were three times more likely to be unemployed than those who were able to access abortion⁷⁰ and that those who were denied a wanted abortion were more likely to enroll in public safety net programs, such as Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), and Women, Infants, and Children (WIC), than those who were received one.⁷¹ Without abortion access being protected by the Constitution, disparities between women of different socioeconomic classes will become more pronounced. Between socioeconomic classes, women who belong to a lower class seek out abortions more than those who are middle or upper class. A study found that “...women with incomes less than 100% of the federal poverty level (FPL) having an abortion rate of 52 abortions per 1000 reproductive-age women, compared with a rate of 9 per 1000 among those with incomes greater than 200% FPL.”⁷²

65 “After Roe Fell: Abortion Laws by State.”

66 “After Roe Fell: Abortion Laws by State.”

67 “After Roe Fell: Abortion Laws by State.”

68 Rachel K. Jones, Jacqueline E. Darroch, and Stanley K. Henshaw, “Patterns in the Socioeconomic Characteristics of Women Obtaining Abortions in 2000-2001.”

69 “Socioeconomic outcomes of women who receive and women who are denied wanted abortions.”

70 “Socioeconomic outcomes of women who receive and women who are denied wanted abortions.”

71 “Socioeconomic outcomes of women who receive and women who are denied wanted abortions.”

72 Christine Dehlendorf, Lisa H. Harris, and Tracy A. Weitz, “Disparities in Abortion Rates: A Public Health Approach.”

With abortions being banned, and the proven fact that abortions add economic disadvantages, the disparities between poorer and richer women will begin to grow. These disparities are related to “...systemic hardships experienced by disadvantaged communities, including decreased access to health care, higher levels of stress, exposure to racial discrimination, and poorer living and working conditions.”⁷³ Without abortions, one’s quality of life is diminished. Access to abortion removes certain obstacles and allows for economic prosperity. Data clearly show that abortions are a proponent of gaining financial advancement, which allows for access to better quality items and opportunities.

The overturning of *Roe v. Wade* also opens the conversation regarding other cases that relied on the Fourteenth Amendment. Cases based on the Fourteenth Amendment, such as *Loving v. Virginia*, *Obergefell v. Hodges*, *Griswold v. Connecticut*, and *Lawrence v. Texas* are all at risk of being overturned because of Justice Alito’s reasoning of why *Roe* is unconstitutional (because it was not “‘deeply rooted’ in the country’s ‘history and tradition’”).⁷⁴ Additionally, Justice Clarence Thomas argued in his concurring opinion that the Court “...‘should reconsider’ its past rulings codifying rights to contraception access, same-sex relationships, and same-sex marriage”⁷⁵ and that the justices “...‘should reconsider all of this Court’s substantive due process precedents, including *Griswold*, *Lawrence*, and *Obergefell*...”⁷⁶ Regarding *Loving v. Virginia*, Rakim Brooks, the president of the Alliance of Justice believes that although “Thomas did not expressly mention the *Loving* decision in his opinion as a case to be overturned, but Brooks noted the Court could still revisit the precedents set by it in a future case.”⁷⁷

Each of these cases is imperative to maintaining civil rights and equality in America. *Griswold v. Connecticut* established the right to privacy and the right for people to have access to contraceptives. *Lawrence v. Texas* legalized same-sex sexual contact and invalidated sodomy laws in America.⁷⁸ In Texas, John Lawrence was arrested and charged with violating a Texas law that “...outlawed ‘deviate sexual acts’ between persons of the same sex.”⁷⁹ Lawrence argued that this law infringed his right to liberty, which thus violated his due process rights.⁸⁰ He also argued that the Texas law violated

73 Dehlendorf, Harris, and Weitz, “Disparities in Abortion Rates: A Public Health Approach.”

74 “Gerstein and Ward, “Supreme Court has voted to overturn abortion rights, draft opinion shows.”

75 Forgey and Gerstein, “Justice Thomas: SCOTUS ‘should reconsider’ contraception, same-sex marriage rulings.”

76 Forgey and Gerstein, “Justice Thomas: SCOTUS ‘should reconsider’ contraception, same-sex marriage rulings.”

77 Madison Hall, Yoonji Han, “As the Supreme Court overturns *Roe v. Wade*, some experts fear interracial marriage may be the next target”

78 “Lawrence v. Texas.”

79 Leiter and Mersky, “Lawrence v. Texas.”

80 Leiter and Mersky, “Lawrence v. Texas.”

the equal protection clause of the Fourteenth Amendment, as it treated sexual conduct between same-sex partners differently than opposite-sex partners.⁸¹ In a 6-3 decision, the Supreme Court ruled that consensual sexual conduct was constitutional and therefore legalized.⁸²

Obergefell v. Hodges struck down laws that prevented same-sex couples from marrying, thus legalizing gay marriage. *Obergefell* began when fourteen same-sex couples, as well as two other men whose partners had passed away, challenged state laws in Tennessee, Ohio, Kentucky, and Michigan that banned gay marriage.⁸³ The plaintiffs argued that these states violated the constitution, and used the Fourteenth Amendment to support their case.⁸⁴ Eventually, the federal court ruled in a 5-4 decision that the due process and equal protection clauses do, in fact, protect gay marriage.⁸⁵

In *Loving v. Virginia*, interracial marriage was legalized. Richard Loving, a white man, and Mildred Jeter, a black woman, married in Washington D.C., and moved to Virginia, where they were convicted of violating Virginia's ban on interracial marriages.⁸⁶ The Lovings argued, "that the Virginia statute violated the equal protection and due process clauses of the Fourteenth Amendment."⁸⁷ Virginia argued that "...equal protection merely demands that penal laws be applied equally to members of different races"⁸⁸ and that "...the antiscegenation statutes were applied equally among the races and were, therefore, not racially discriminatory."⁸⁹ However, the Supreme Court rejected Virginia's argument and found that "...'equal application' of a penal statute composed of racial classifications does not necessarily remove that statute from the Fourteenth Amendment's prohibition of invidious racial discrimination, discrimination unrelated to a legitimate purpose..." and declared that "... Virginia's antiscegenation statutes in violation of the equal protection clause of the Fourteenth Amendment."⁹⁰

The Fourteenth Amendment has impacted civil rights in America. By guaranteeing due process and equal protection, cases regarding liberties have protected and provided the path to equality. Its main purpose, to ensure citizenship to those who were formerly enslaved,⁹¹ began the process of granting African Americans rights equal to those of Whites. Through landmark cases, such as *Lawrence v. Texas* (legalized same-sex sexual acts),⁹² *Obergefell v. Hodges*, (legalized same-

sex marriage)⁹³ and *Loving v. Virginia* (legalized interracial marriage),⁹⁴ more and more civil rights have been enacted. Starting with *Griswold v. Connecticut*, reproductive rights have been one of the most contested rights that have come out from the Fourteenth Amendment. From *Griswold*, which protected a married couple's right to access birth control,⁹⁵ sprung *Eisenstadt v. Baird*, which allowed for everyone to access contraceptives.⁹⁶ *Roe v. Wade*, arguably the most well-known case based on the Fourteenth Amendment, made the right to an abortion protected by the Constitution,⁹⁷ and had substantial positive effects on lower-class women and women of color.⁹⁸ However, with *Roe v. Wade* overturned by *Dobbs v. Jackson*,⁹⁹ the results will be detrimental and devastating. The risk of other rights being overturned,¹⁰⁰ as well as the negative effects on women,¹⁰¹ rise fear and worry within communities. However, the situation is still unfolding and ongoing; states are fighting to keep their rights. Kansas residents voted against an amendment to ban abortions, keeping abortions legal in the state.¹⁰² But the state of abortions—and other imperative civil rights in America—are still at risk; the situation is continuously changing.

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