Rights and Rulings

How Supreme Court interpretations change the reach of the Fourteenth Amendment

9-12.GOV.25 "Evaluate the Supreme Court's interpretations of the freedoms in the 14th Amendment, equal protection, and due process clauses including Plessy v. Ferguson, Roe v. Wade, Dobbs v. Jackson Women's Health Organization, Gitlow v. New York..."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB As you read, underline each freedom or equality claim and circle the Court's ruling about it. Number two places where a later ruling changed an earlier interpretation.

What Does the Fourteenth Amendment Protect?

1. Imagine two students assigned to different public schools because of race. The Fourteenth Amendment requires states to provide equal protection of the laws. In Plessy v. Ferguson (1896), the Supreme Court allowed racial separation in public facilities if those facilities were supposedly equal. In Brown v. Board of Education (1954), the Court ruled that separating children by race in public schools is inherently unequal. Brown rejected Plessy's approach to school segregation, showing that a constitutional promise can receive sharply different interpretations.

2. The amendment also says states may not take away liberty without due process of law. In Gitlow v. New York (1925), the Court assumed that freedom of speech and press, protected by the First Amendment, also limits states through the Fourteenth Amendment, yet it upheld Gitlow's conviction. In Roe v. Wade (1973), the Court held that due process protected a qualified right to abortion. Dobbs v. Jackson Women's Health Organization (2022) overturned Roe, ruling that the Constitution does not protect a right to abortion.

3. Marriage cases show another shift. In Loving v. Virginia (1967), the Court struck down a state ban on interracial marriage under both equal protection and due process. In Obergefell v. Hodges (2015), it held that states must allow and recognize marriages between same-sex couples, relying on those same clauses. These decisions expanded who could marry, while Dobbs withdrew a previously recognized constitutional right. To evaluate a ruling, ask which freedom or equality claim the Court accepted and how that choice changed state power.

2 ANSWER WITH EVIDENCE

Use the passage

1. How did Brown's interpretation of equal protection differ from Plessy's approach to racial separation?

2. What does the result in Gitlow show about applying freedom of speech and press to states?

3. How did Dobbs change Roe's interpretation of due process and the power of states?

4. How did Loving and Obergefell use equal protection and due process to limit state marriage laws?

3 YOUR TURN

Your own words

Suppose a state gives marriage licenses only to couples who own property. In three sentences, evaluate the rule using equal protection, due process, and two cases from the passage. Explain one limit of your comparison.

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PART 1 · READ AND MARK

As you read, underline each freedom or equality claim and circle the Court's ruling about it. Number two places where a later ruling changed an earlier interpretation. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did Brown's interpretation of equal protection differ from Plessy's approach to racial separation?	**Plessy allowed racial separation in supposedly equal public facilities. Brown held that racial separation in public schools is inherently unequal.**
2	What does the result in Gitlow show about applying freedom of speech and press to states?	**The Court assumed those freedoms limit states through the Fourteenth Amendment, but it still upheld Gitlow's conviction.**
3	How did Dobbs change Roe's interpretation of due process and the power of states?	**Roe recognized a qualified right to abortion under due process. Dobbs held that the Constitution does not protect that right, giving states more power to regulate abortion.**
4	How did Loving and Obergefell use equal protection and due process to limit state marriage laws?	**Loving struck down a ban on interracial marriage. Obergefell required states to allow and recognize marriages between same-sex couples. Both relied on equal protection and due process.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

The rule raises an equal protection question because it treats renters and owners differently. Loving and Obergefell also suggest a due process concern because both decisions protected the freedom to marry against state restrictions. Neither case decided a property requirement, so their rulings alone do not settle whether this rule is constitutional.

Accept reasoned comparisons that distinguish a property requirement from the marriage restrictions in Loving and Obergefell. Students should treat the hypothetical ruling as a question to evaluate, not as a result decided by either case.