

All Men Are Created Equal

“All men are created equal” is what Thomas Jefferson said in the Declaration of Independence. While the colonies fought to create a nation embodying those ideals, all men were not treated as equals until the 15th Amendment’s provision for universal male suffrage in 1870. Previously, some men were regarded as property and afterward were equated to dogs in racist segregation signs. Women were not included until the 19th Amendment’s provision for women’s suffrage in 1920. Even though we have made headway, all citizens are still not treated as equals. Barriers were applied by states in response to the 15th and 19th Amendments. Dissent with “all men are created equal” was made known through Jim Crow Laws and varying applications of voter registration requirements. These were solved with court rulings and several enforcement laws, like the Civil Rights Act of 1964 outlawing discrimination and unequal application of voter registration requirements. There exist many formal and informal barriers to the US voter, applied unequally, that still exist today.

Barriers to voting are still around but are not as obvious as barriers of the past. Women's right to suffrage was denied through the courts as seen in *Minor v. Happersett* (1874) where it was ruled that restricting the right of suffrage to men was constitutional as it did not necessarily abridge citizenship rights of women.¹ Native Americans faced a setback when the court ruled that they were not citizens by birth under the 14th amendment and could be denied the right to vote in *Elk v. Wilkins* (1884).² Literacy tests were outlawed by the Voting Rights Act of 1965, which was protected by *South Carolina v. Katzenbach* (1966).³ Poll taxes were outlawed in federal elections in the 24th Amendment, but *Harper v. Virginia Board of Elections* (1966)

¹ “*Minor v. Happersett*,” *Justia*, <https://supreme.justia.com/cases/federal/us/88/162/>.

² “*Elk v. Wilkins*,” *Justia*, <https://supreme.justia.com/cases/federal/us/112/94/>.

³ “*South Carolina v. Katzenbach*,” *Oyez*, https://www.oyez.org/cases/1965/22_orig.

applied the ban to states as well.⁴ The judicial system plays a role in protecting acts of the legislative branch and applying Amendments to the states through the 14th Amendment's due process and equal protection clauses. With the power of judicial review, judicial activism can be exercised in order to protect minority groups against a majority-led government. Though the system is not perfect, with how in Minor's case, women's suffrage faced a large barrier of a lack of support from the judicial system. Elk faced a barrier to citizenship by the hands of the courts. These problems would be solved in time and with acts. In Elk's case, the Indian Citizenship Act of 1924 gave Native Americans citizenship by birthright. Yet the barriers are not completely gone.

Today, voters face formal barriers in the form of photo ID requirements. Officials use voter fraud to justify strict policies on IDs, but many poor or younger voters may not have gotten photo IDs. Not only this but also some states require physical street addresses for voter registration, further discriminating against the homeless and Native Americans. It is well-known that the US is a melting pot of diverse cultures, built off of immigrant efforts. With no official language, the US should provide translated materials or language assistance to its diverse voting population, right? Sadly, this is not the case. Though it is the law, many polling places do not provide such accommodations. Felons are stripped of their voting rights after serving time with no way to gain it back. Heightened by reduced early voting and regular voting hours, closure of polling places deters voters from traveling the distance and waiting out the lines. Knowledge, time, and distance are simply not affordable to minority groups.

Informal barriers exist as well. While formal barriers are hard enough to spot, informal barriers are even more convoluted to recognize and remedy. A lack of knowledge causes many

⁴ "Harper v. Virginia Board of Elections," *Oyez*, <https://www.oyez.org/cases/1965/48>.

able-voters to not turn out. People with more education tend to be more likely to vote because they understand the importance of their vote. Apathy is a deterrent to voting. Many people do not believe in the importance of their vote or feel alienated from their role in government. With the youth being busy and starting new lives, voting becomes a last priority. Similarly, with modern travel technology, people are moving at unprecedented rates with 20% of voters not having the same address each year.⁵ With moves, comes a lack of priority in registering to vote. These barriers are due to a lifestyle without convenience or emphasis on political participation. Changing personal lifestyles is not the government's responsibility, so it is difficult to ease informal barriers to voting.

Nevada is a prime example of how to lessen voting barriers as the state allows the listing of cross streets as an address and does not have strict ID laws. Furthermore, Nevada has automatic voter registration⁶ and voting rights for reformed felons.⁷ Making it more convenient to vote generates more interest in voting. Automatic voter registration is utilized in Italy, a country with high voter turnout.⁵ This can cause ripples of reform. Ex-felons not being able to vote has gradually become less of an issue, with only Iowa outlawing the voting block. Florida's Voting Rights Restoration for Felons Initiative in 2018 significantly affected the African-American voting block, restoring voting rights to 20% of African-American adults through ex-felon voting.⁸ Two minorities were affected in this case, African-Americans and ex-felons, but these two groups still represent the nation and should not be barred from voting. Colorado's

⁵ Megan Bailey, "Series: Suffrage in America," *National Park Service*, <https://www.nps.gov/articles/series.htm?id=EA334AEE-A3B5-5979-737829A71446739C>.

⁶ "Nevada Makes DMV Voter Registration Automatic," *KTVN*, <https://www.ktvn.com/story/39434261/nevada-makes-dmv-voter-registration-automatic>.

⁷ Bill Dentzer, "Legislature Moves to Restore Felons' Voting Rights after Release," *Las Vegas Review Journal*, <https://www.reviewjournal.com/news/politics-and-government/2019-legislature/legislature-moves-to-restore-felons-voting-rights-after-release-1670435/>.

⁸ Tim Mak, "Over 1 Million Florida Felons Win Right to Vote with Amendment 4," *NPR*, <https://www.npr.org/2018/11/07/665031366/over-a-million-florida-ex-felons-win-right-to-vote-with-amendment-4>.

Voter Access and Modernized Elections Act in 2013 requires mailing ballots to all registered voters as well as conducting in-person voting.⁹ Providing access and expanding suffrage allows the US to prosper and properly reflect the wants and needs of its constituents. The judicial branch can preserve the right to vote by hearing challenges to voter ID laws and utilizing judicial activism, lessening barriers for the homeless and Native Americans to vote. By doing so, the US will inch ever-closer to the ideal that “all men are created equal.”

⁹ “Colorado Voting Reforms: Early Results,” Pew, <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2016/03/colorado-voting-reforms-early-results>.

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