

## **The Constitution as Compass: Navigating Toward Justice for All**

“The arc of the moral universe is long, but it bends toward justice.” These words from Martin Luther King, Jr. offer a perfect summation of the power and ultimate goal of the United States Constitution: to create a more perfect union. As men of the Enlightenment and revolutionaries in their own right, the founding fathers were intentional in leaving enough room in the document they created to guide our government to allow each succeeding generation to become revolutionary in its own way. Inherent in the words “a more perfect union” is the concept that the goal of the Constitution was never absolute perfection, but, rather, progress toward the Enlightenment ideals they held dear: a right to challenge the status quo and to create greater freedom for greater numbers of people. There is sufficient evidence within the document itself and its historical context to support the idea of the Constitution as a living document, one that gives society an opportunity to take quantum leaps on its trajectory toward justice.

The historical context of the Enlightenment period during which the Constitution was written provides great insight into efforts to define “a more perfect union”. Enlightenment ideals included reason, education, free thought, liberty, tolerance, and equality. Previously radical concepts like the separation of church and state and the Social Contract had never been enshrined in any governmental system, yet they would become bedrock principles in the effort to create a more perfect union. While the founders were clearly men of their times, iconoclasts willing to blow up the status quo to aim for better, they were also pragmatists who knew that changing too rapidly would create extreme instability, so they established a system that would perpetually drive toward their ideals with the flexibility to grow and change over time, becoming more perfect, more just,

more tolerant, more evolved, and better functioning. It is clear that they believed that precedent did not make perfect.

Supporting this objective, Article V of the Constitution contains a built-in mechanism of change that allows society to redress legitimate grievances and right serious wrongs, based on changing times and evolved public sentiment, through amendment. Further, what is not said in the Constitution is just as important as what is said, as it leaves room for interpretation and reinterpretation in keeping with intellectual and societal evolution over time.

Several amendments have extended Enlightenment ideals to a significantly broader group of people, thus building a more perfect union. Chief among these is the Thirteenth Amendment, which abolished slavery; the Fourteenth Amendment, which guaranteed due process and equal protection under the law; the Fifteenth Amendment, which allowed male citizens to vote regardless of race or previous servitude; and the Nineteenth Amendment, which guaranteed women the right to vote. While all of these amendments are pivotal, none has been more crucial in 20th and 21st-century decisions on personal liberty and justice than the Fourteenth Amendment, based on the broad and differing Constitutional interpretation of its equal protection and personal autonomy and privacy clauses.

The Fourteenth Amendment has been the basis of several of the most significant Supreme Court findings that have expanded rights and extended personal liberty. In the continuous march of progress toward a more perfect union, several of these seminal rulings directly overturned previous findings. *Brown v Board of Education* (1954), which found segregation in schools unconstitutional under the Fourteenth Amendment, directly overturned the Court's 1896 ruling in *Plessy v Ferguson*, which held that segregation was permissible, provided that programs and facilities were "separate but equal."

In *Poe v Ullman*, a case challenging the constitutionality of an unenforced law that made birth control illegal in the state of Connecticut, the Court found that the unenforced law posed no harm and, therefore, no action was necessary. However, in his dissenting opinion, Justice Harlan took a broad view of protected “liberty” as a “rational continuum which, broadly speaking, includes a freedom from all substantial arbitrary impositions and purposeless restraints.” Harlan’s dissent set the stage for the Court to reverse itself four years later in *Griswold v Connecticut*, which struck down Connecticut’s law against contraceptives, with various justices holding that the right to privacy was upheld in the Bill of Rights and/or the Fourteenth Amendment.

In 1971, *Reed v Reed* marked the first time ever that the high court struck down a law that gave preference on the basis of sex to expand rights for all women. Writing the unanimous opinion, Justice Burger noted, “To give a mandatory preference to members of either sex over members of the other, merely to accomplish the elimination of hearings on the merits, is to make the very kind of arbitrary legislative choice forbidden by the Equal Protection Clause of the 14th Amendment... The choice in this context may not lawfully be mandated solely on the basis of sex.”

In *Obergefell v Hodges* (2015) the majority decision used constitutional guarantees of due process and equal protection under the law to determine that gay marriage must be recognized as legal by all states. While there are differing opinions on the morality of the case, clearly, this decision extended basic legal rights to a much broader group of people.

In analyzing the Constitution, it is impossible to separate the first stated goal “to form a more perfect union” from the final stated goal “to secure the blessing of liberty to ourselves and our posterity.” The founders knew that there could never be a truly perfect union because perfection is not a static concept, but one that changes over time. With this in mind, they took a long approach

to history and a wide view of liberty. The brilliance of their creation lies in its adaptability, which gives their posterity the opportunity and the obligation to reshape their government and redefine liberty through a living Constitution. The document is not a path set in stone, but a guidepost and a compass by which we can navigate an uncertain future toward the better angels of our nature.

## Works Cited:

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