Rebecca Thompson is an incoming senior at Cecil D. Hylton Senior High School in Woodbridge, Virginia. Her favorite school subjects are English and history. Rebecca plans to finish her last year of high school with academic excellence and attend a prestigious university next fall. There, she plans to pursue a major that focuses on human rights, sociology, and psychology. Rebecca always had and will always have a passion for learning and teaching others, she participates on her high school track team where she competes at a national level, and in her spare time she likes to read and write.

Providing Access to Justice for America’s Poor

In the United States, justice serves as one of the main principles that has been established as a cornerstone of the nation’s foundation. The Preamble effectively conveys the nation’s commitment to justice with its statement that the citizens of the United States established the Constitution to “establish justice” and “secure liberty” for all citizens. Access to justice is essential to the administration of fair and proper justice for citizens of the country. Unfortunately, for the nation’s poor, access to justice is not always readily available or easy to attain. However, the nation’s justice system as a whole has made great strides for the poor’s access to justice. The passage of laws that adhere to the amendments of the Constitution has made it easier for the nation’s poor to easily have access to justice. Despite our nation’s
progressive movement towards adequate access to justice for the poor, there is still work to be done to ensure that the poor have proper access to justice in order to receive fair judgements in legal matters. Access to justice means being able to easily acquire justice without financial struggles serving as barriers to the administration of justice for the poor.

The Constitution and Bill of Rights advocate for justice for all citizens which proves that a citizen’s economic status should not deter their access to justice. Moreover, no matter an individual’s race, gender, or, in this specific case, economic status, they have a right to have accessible justice. Several amendments to the Constitution exemplify the nation’s commitment to equal access to justice for citizens who come from poorer backgrounds. In regards to the Bill of Rights, the 6th Amendment establishes a citizen’s right to counsel in criminal proceedings as a way to ensure that poverty does not sever one’s access to fair justice. Similarly, the 8th Amendment prohibits the requirement of “excessive bail” or “fines” from citizens as a way of guaranteeing one’s right to justice no matter their economic status. Apart from the Bill of Rights, the 14th Amendment’s Equal Protection Clause prohibits the denial of due process or, as the name suggests, protection under the law to citizens due to bias or discrimination (“Constitution”). Consequently, under the 14th Amendment, poor citizens cannot be denied due process due to economic bias. These amendments represent the Constitution’s promise of access to justice for citizens despite their income brackets.

Despite the Constitution’s vow of access to justice for the poor, currently, the poor have limited access to justice in regards to civil cases. In the United States, poor citizens do not have proper access to justice simply because their financial situation prohibits them from accessing fair legal aid. According to Carrie Johnson, a justice correspondent for the Washington Desk, many of the nation’s poor “lack access to lawyers” in the face of various civil issues. This is because in the United States, it is not mandatory for citizens to be provided legal aid for civil cases (Johnson). This lack of legal representation in civil courts translates negatively
towards the outcomes of the cases for poor citizens. Studies show that when low-income citizens lack representation in civil cases, they tend to have trouble navigating the court system which directly translates towards failure in court proceedings (“Equal”). If these poor citizens were to have access to legal representation, they would have more success in their cases and they would be delivered effective and fair justice. However, it is clear that the “access to justice” connection for citizens of lower incomes has been destroyed simply because they lack the funds to pay for proper legal aid or representation in civil matters.

Despite the limited access to justice for the nation’s poor, the justice department of the United States has worked and is working towards improving poor citizens’ access to justice. The first step towards making justice more accessible to the nation’s poor was the court decision in the Gideon v. Wainwright case of 1963. This Supreme Court decision aligned with the Constitution’s 6th Amendment and held that citizens “facing serious criminal charges” had a right to legal representation if they could not afford one (“Legacy”). Since then, there have been numerous court cases that have ruled in favor of the Constitution’s commitment to justice for citizens of low-income. The 2015 Varden v. City of Clanton case ruled that bail payments in exchange for pretrial release were in violation of the 14th Amendment and unfair towards poor citizens. The 2016 Kuren, et al. v. Luzerne County case ruled that the county’s underfunded public defense system could give rise to a violation of the 6th Amendment because citizens were not being provided with legal representation during their criminal proceedings. This year, one case, Walker v. City of Calhoun, Georgia, involved a plaintiff who was forcibly detained in jail for six nights because he could not afford to pay the $160 cash bond for his release. The actions by the City of Calhoun were deemed unconstitutional and in violation of the Constitution’s 14th Amendment in the court’s decision (“Court”). These court decisions are hopeful indicators of the nation’s current progressive movement towards enhanced access to justice for poor citizens. Similarly, the U.S. Justice Department has launched an initiative called the Office for Access
to Justice to enhance the poor’s access to justice by providing criminal and civil legal aid to those who cannot afford it.

Justice serves as a foundation to our nation’s legal system. The Constitution and Bill of Rights uphold everyone’s right to access to justice by making amendments inclusive for all citizens. Consequently, the nation’s poor citizens also have a right to have access to justice despite their financial situation. Although laws have been passed to ensure the poor’s access to justice, the poor continue to lack legal aid in civil cases. The U.S. Department of Justice should work towards making justice more accessible for the poor in civil matters. The guarantee of access to justice for the poor would fulfill the Constitution’s promise of justice for all citizens.


