John Ford is an incoming junior at Marvin Ridge High School in Waxhaw, North Carolina. His favorite school subjects are English and history. John intends to attend college and double major in political science and foreign policy studies. After obtaining his undergraduate degree, he plans on obtaining a dual Juris Doctorate degree and Masters degree in finance. John’s interests, activities and passions include politics, music, history, collecting vinyl, playing piano, and reading.

"Equal justice under law is not merely a caption on the facade of the Supreme Court building; it is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists. It is fundamental that justice should be the same, in substance and availability, without regard to economic status." [1]

- Justice Lewis Powell, Jr.

When the Founding Fathers gathered to compose the foundational document of their new country they set out to make a Constitution that would be both fair and just. The Founders understood that they were creating a government that would wield tremendous power over the individual, including the power to take from people their liberty and in some instances, even their life. As the Preamble explains, the goals of the Constitution, amongst others, are to “establish Justice...promote the general Welfare,
and secure the Blessings of Liberty to ourselves and our Posterity..."[2] These goals helped to define the American legal system and through their embodiment, provide access to justice for all people. When the American colonies were under British control colonists were subject to a biased justice system that treated colonists unfairly when compared to the citizens of England. With these past experiences in mind the Founding Fathers were determined to make the United States’ government as fair and just as one could when dealing in legal matters. To reach this goal they built a living document that emphasized separation of power, checks and balances, and individual rights. These foundational principles were meant to ensure that the laws of the United States would be enacted fairly and would apply equally to its citizens. But what is access to justice and how do the Constitution and Bill of Rights protect it? To me, access to justice is a person’s ability to present their case, advocate for their position and have the opportunity to protect themselves and their interests through our legal system, regardless of their economic status, race, or religion. The Constitution and Bill of Rights promote this access by setting up an unbiased system based on oversight and individual liberties. The emphasis on due process contained in those documents ensures those that Americans will be protected and given access to justice.

In Article Three of the US Constitution the Founding Fathers established the federal judicial system for the United States. This Article created the United States Supreme Court and gave Congress the power to set up additional lower courts. Through this Article, the citizens of the United States have access to a court system beginning at the district level, continuing through the Court of Appeals and culminating with the U.S. Supreme Court. This system provides the people with the opportunity to seek justice when their rights have been violated and gives them a forum to obtain a remedy when they have been wronged.

From a position of fear that over time, America’s government would begin to morph into a more controlling style of government, the majority of the states demanded that a Bill of
Rights be added to protect individual liberties. Contained in the Bill of Rights are protections that are meant to ensure access to justice. They provide those accused of a crime the opportunity to respond to those allegations and places the burden of proving guilt beyond a reasonable doubt upon the government. In the context of the judicial system, the First, Fourth, Fifth, Sixth, and Eighth Amendments all stand out. The First Amendment, which protects an individual or group’s right to expression, allows for the civilian population to freely respond to any perceived injustice. The people’s ability to respond promotes popular sovereignty and guarantees access to justice by holding the government accountable. The Fourth Amendment, which forces police officers to obtain a search warrant or have probable cause before they are able to perform a search, protects citizens’ privacy. Supreme Court cases such as Mapp v. Ohio, which said evidence obtained illegally under the Fourth Amendment could not be used in court[^3^], and Terry v. Ohio, which said that an officer stopping and frisking a citizen was legal[^4^], have further defined what is allowed or prohibited under the Fourth Amendment. The Fifth Amendment, which made it necessary for a grand jury to determine if a case has enough evidence to continue, also ensured you did not have to testify against yourself, and requires due process to be carried out before your property can be taken away. The Sixth Amendment guarantees the right to an impartial jury and the right to have representation. Gideon v. Wainwright expanded upon the right to counsel in criminal proceedings. The Eighth Amendment ensures no excessive bail or cruel and unusual punishment. These Amendments, that promote individual liberties, further expanded an individual’s access to justice in America[^5^].

In conclusion, the Founding Fathers brilliantly created a governmental system that was founded on oversight, accountability that is based on checks and balances, and separation of powers. More specifically, the Founding Fathers built a judicial system that, although not perfect, promotes access to justice for all regardless of their economic status, race, religion, country of origin, or other personal factors. The ideas inscribed in the Constitution and Bill of
Rights help to guarantee equal access to justice and are at the core of what makes our country great. It is one of the many reasons why I am proud to be an American.