



Civil War 150 — Fourteenth Amendment

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YOU AND YOUR RIGHTS

THE FOURTEENTH AMENDMENT: Guardian of Our Liberties

The Civil War changed our country in many ways. The war was fought first and foremost over the issue of slavery, which the South defended. Once the North declared victory and all slaves were emancipated, a very important question was posed both by the North and South: What would happen to the freed slaves who knew no other way of life and who now were free for the first time? This question dominated the country's politics at the time.

Wanting to guarantee that freed slaves would enjoy the same rights as all other Americans, Congress decided to pass three crucial amendments — the Thirteenth, Fourteenth, and Fifteenth Amendments. Collectively, these amendments often are referred to as the “Reconstruction Amendments” or the “Civil War Amendments” because they were

proposed and ratified in direct response to the effects of the Civil War.

Of these, the Fourteenth Amendment stands out as one of the most important amendments ever passed. With that amendment came great protections, not only for freed slaves, but for all Americans. Since it became a part of our great Constitution in 1868, the Fourteenth Amendment has played a

key role in many Supreme Court decisions protecting individual rights. No one amendment to our Constitution has been so important in protecting individuals from the infringement of our liberties by the various state governments.

Over its more than 140 years of existence, the Fourteenth Amendment has emerged as a great defender of liberty and a guardian of our liberties. ■



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Free! A color lithographic print, 1863, by artist H. I. Stephens, showing an African American slave reaching freedom.

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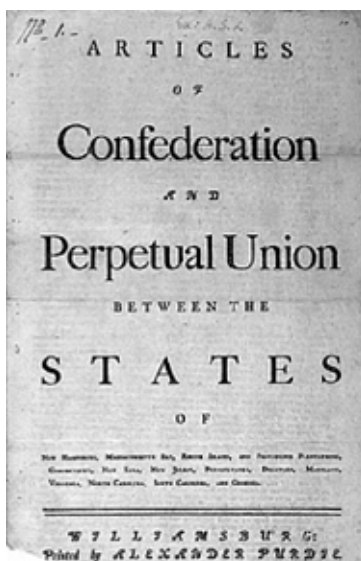
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Historical Background

The Articles of Confederation: Strong State Government, Weak National Government

After the United States declared its independence from England on July 4, 1776, representatives from the former thirteen colonies joined together as the Continental Congress and created the first governing document for the United States of America. They called the document the Articles of Confederation and Perpetual Union Between the States of New Hampshire, Massachusetts Bay, Rhode Island, and Providence plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia — or, simply, the Articles of Confederation. This document came after the Declaration of Independence but before the Constitution.

Basically, the Articles of Confederation, ratified in 1781, created a loose federation (that is, an agreement) among the new states. This federation was characterized by a very weak centralized government and strong,



sovereign state governments. While it is true that the Articles of Confederation established a national Congress in which each of the states was represented (similar to our Congress today), this national Congress had no power to compel the states to do anything. Instead, it could only ask each individual state for things like money and soldiers. If the state refused to send money or soldiers at the request of the national Congress, there was nothing that the national government could do.

As you might imagine, it became difficult to get the thirteen states to work together for a common goal, primarily because each state wanted to protect its own self-interests. More importantly, in 1783, when the War for Independence with Great Britain ended, each state, along with the Confederation, had amassed large debts. Furthermore, with the war over, it became necessary for the United States of America to take its rightful place among the nations of the world. But with thirteen self-governed states all wanting different things, how could the weak national government solve big problems that the Confederation now faced? The answer was simple: The Articles of Confederation needed to be changed. ■

The Constitution: Striking the Proper Balance

The men who gathered together in Philadelphia in the summer of 1787 are known as the Framers because they all worked together to design and write a document what would later become the Constitution. Instead of just changing the Articles of Confederation, which was the task they were assigned, the Framers spent approximately 100 days drafting a brand new document that fundamentally changed the government of the United States of America. On September 17, 1787 (a date celebrated annually as Constitution Day), the Framers emerged from the state house in Philadelphia and presented to the American people the document we now know as the Constitution of the United States of America. One year later, in 1788, the Constitution was ratified. Today, the Constitution enjoys the prestige of

being the oldest written constitution in the modern world — more than 220 years old!

The Constitution changed the relationship of the states and the national government. Unlike terms of the Articles of Confederation, under which the states retained complete self-governing power and the national government was weak, the Constitution created a strong central government whose laws took precedence over the laws of any one state. The states still retained some sovereignty (that is, self-governing power), but the Constitution granted the new national government powers to collect taxes, raise an army, speak for all of the states in matters of foreign policy, coin money, and pass certain types of laws. In short, the Constitution established a power-sharing form of government known as federalism, one in which both the individual states and the national government were sovereign, and with each unit of government responsible for specific tasks. ■

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The Bill of Rights Guarantees Your Rights

Before many states agreed to ratify the Constitution, they demanded that the Framers include in the new document an explicit guarantee of protection for individual rights that all Americans considered to be fundamental. The Framers agreed, and once the Constitution was ratified, the first ten amendments to the Constitution were presented to the states and ratified in 1791. These first ten amendments to the Constitution are known as the Bill of Rights.

The first eight of these amendments protect specific individual rights. In other words, they protect you from the power of the national (often referred to today as the federal) government. That means that once these first eight amendments became part of the Constitution, the national (or federal) government could not take away certain rights, like the rights to freedom of speech, freedom of assembly, freedom against cruel and unusual punishment, freedom against unreasonable searches and seizures, and more.

At the time they were ratified, these amendments did not prevent state governments from infringing these. Instead, it was up to the individual states to decide which rights they were prepared to protect for their citizens.

The Ninth Amendment assures the people of the United States that they



The Signers of the Constitution. On September 17, 1787, the delegates to the Constitutional Convention met for the last time to sign the document they had created. COURTESY OF OFFICE OF THE CURATOR, ARCHITECT OF THE CAPITOL

still retain certain rights free from intrusion by the national government, even if those rights are not specifically mentioned in the Constitution. The Tenth Amendment grants to either the states or the American people any power not specifically given to the national government in the Constitution. The Tenth Amendment is a reminder to the American people that the national government is a government of limited powers freely given by the people of the individual states with the understanding

that the national government will exercise only that power that the people have granted to it by sending their representatives to Philadelphia in 1787 to draft the Constitution.

The Constitution is a blueprint of government, a contract between this new government and the people of the individual states, and a protector of individual freedoms. But it did not protect everyone's individual freedoms. ■

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The Constitution and Slavery

One of the big moral and political issues of late 1700s and early to mid-1800s was slavery. The issue of slavery dates back to the founding of our country, and it even appears in the Constitution. Framers from the northern states, wanting to compromise with their colleagues from the South, allowed the slave trade to continue until January 1, 1808. After that date, Congress was empowered to stop the slave trade once and for all. This agreement was memorialized in the Constitution itself, in Article I, Section 9, Clause 1, which reads: "The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight . . ." However, the Constitution did not address how to deal with slavery itself as it continued to exist in the United States even after the slave trade was outlawed.

Those opposed to the institution of slavery were known as abolitionists because they wanted to abolish slavery in the United States. Some of the most famous abolitionists of the late 1700s were also very important men and women who dedicated themselves to the United States.

A few of the leading abolitionist men include John Jay (the first Chief Justice of the Supreme Court), Alexander Hamilton (a Framers of the Constitution and the first Secretary of the Treasury), and Aaron Burr (the third Vice President of the United States).

Another man, by the name of William Lloyd Garrison, is perhaps the most famous male abolitionist in American history. Garrison, born in 1805 to a



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Cabins where slaves were raised for market —The famous Hermitage, Savannah, Ga.

Massachusetts merchant family, grew up poor after his father abandoned their family. Eventually, Garrison apprenticed with a newspaper editor and began to learn the art of writing and editing. With the skills he learned in his apprenticeship, Garrison started his own newspaper, called the *Liberator*. On January 1, 1831, Garrison published the first issue of the *Liberator*. The *Liberator* was a newspaper devoted exclusively to ending slavery and to raising awareness of the plight of African Americans in the United States. Between 1831 and 1865 (when the Civil War ended), Garrison published 1,820 issues of his newspaper and, through this newspaper, passionately advocated for the end of slavery.

Men were not the only ones who

fought for the abolitionist cause. Many women also lent their voices to the anti-slavery cause. Four of the most famous abolitionist women were Sarah and Angelina Grimke, Sojourner Truth, and Harriet Tubman. Sarah and Angelina Grimke are famous because they were the first women in America to publically advocate for the end of slavery. The Grimke sisters, born in Charleston, South Carolina, were very well educated and came from a prominent southern family. Their father owned many slaves, and the Grimke sisters were able to witness first-hand the terrible struggles that the slaves endured. The sisters traveled all over the North and spoke of their personal experience with slavery. Their knowledge of treatment of slaves helped people in the North better understand

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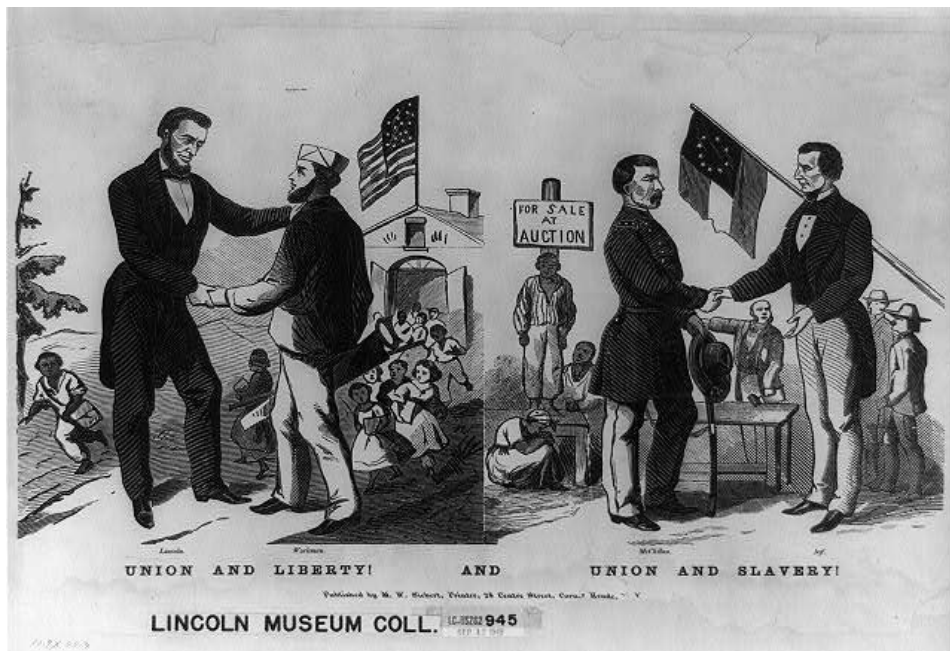
YOU AND YOUR RIGHTS: *The Constitution and Slavery, continued*

how terrible slavery really was and how much it needed to be abolished.

African American women also played a key role in advocating against the evil institution of slavery. One of these heroines was Sojourner Truth. Truth spent the first part of her life as a slave for the Dumont family in New York (and, yes, there were slaves in the North, too!). In 1826, she managed to escape her masters and, in 1828, became a preacher in New York City. Truth spoke publically about abolitionism and women's rights, and she eventually wrote a book about her own experience as a slave. During the Civil War, Truth volunteered for the Union Army by feeding and clothing the African American soldiers who fought for the North.

Perhaps the most well-known of the female abolitionists was Harriet Tubman. Tubman was born into slavery in Dorchester County, Maryland, but she escaped to the North in 1849. Tubman is most famous for establishing a secret escape route to help slaves in the South reach the North and obtain their freedom. This secret escape route became known as the Underground Railroad, and Tubman became known as "Moses," a biblical reference that spoke to her leadership in freeing slaves like herself. During the Civil War, Tubman was a nurse, a spy, a cook, and even a commander in the Union Army. Tubman's speeches, as much as her actions, proved that women had an important role to play in ensuring that slavery ended.

Beginning in the 1830s, the Abolitionist Movement gained momentum. Religious leaders from mainly evangelical Christian Protestant denominations rallied support for the end of slavery and began to call for its immediate end. In 1833, 62 abolitionists convened in Philadelphia to create the Anti-Slavery Society. This society, of which William Lloyd Garrison



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Union and liberty! And union and slavery! In two cartoons in an anti-McClellan broadside, Republican candidate Abraham Lincoln's advocacy of equality and free labor in the North is contrasted to Democratic opponent McClellan's alleged support of the Southern slave system.

was a leading member, dedicated itself to the anti-slavery movement. Over the years leading up to and during the Civil War, the Society's membership increased, although no women, white or black, were permitted to join.

The thirty years prior to the Civil War saw an increase in public debate about the morality of slavery. Most abolitionists were from the North, where slavery was much less common. Political leaders from the South opposed the Abolitionist Movement and wanted slavery to continue. The South depended on slave labor because it was a vital part of the southern agrarian economy. This debate between those wanting to maintain the institution of slavery and those wanting to get rid of it (abolitionists) continued for many years and culminated in the election of President Abraham Lincoln

in 1860. President Lincoln was a Republican, and Republicans wanted to see slavery ended once and for all.

As you can probably imagine, the South was not happy about President Lincoln's election. So, one by one, beginning with South Carolina, the southern states seceded from (that is, broke away from and declared their independence from) the United States and established the Confederate States of America. They drew up a constitution similar to the Articles of Confederation discussed earlier. The rest is history: The North and South fought one another for four years in one bloody battle after another, Lincoln freed the slaves in the rebelling states through the Emancipation Proclamation, the South lost, and the war finally ended in April of 1865. ■

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The War Is Over, Now What?

Now that the slaves were freed, the question became what would happen to them. How would they live? Where would they live? What rights did they have? Fearing that these freed men and women would gain rights and try to assert their status as free Americans, the southern states passed laws immediately after the Civil War that sought to restrict the new-found freedoms of the freed slaves. These laws were known as the Black Codes.

The codes greatly restricted where freed slaves could travel, mandated that they work for little pay, and essentially ensured that they were treated no better than they were while they were slaves. Many of the freed slaves who remained in the South became sharecroppers.

A sharecropper is a farmer who lives as a tenant on the land of someone else, known as a landlord. The landlord allows the tenant to continue to live and work on his land only if the tenant agrees to give a certain proportion of his crops to the landlord every year.

After the Civil War, Congress created the Bureau of Refugees, Freedmen, and Abandoned Lands (known simply as the Freedmen's Bureau) in order to assist freed slaves and poor white southerners transition to a new way of life. The Bureau offered advice, financial support, and food and continued to assist during Reconstruction, but it lasted only a few years.

After Reconstruction ended and discrimination against southern African

Americans continued, many freed slaves decided to pack up their few belongings and head north, where there were more jobs and less racial discrimination. This migration of African Americans from the South to the North continued into the Twentieth Century as southern African Americans sought more opportunities for themselves and their families.

In the years immediately after the war, Congress, which at that time was dominated by men from the victorious North, was frustrated by what it saw from the southern states and decided to pass what is considered today to be one of the most important amendments to our Constitution — the Fourteenth Amendment. ■



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The Misses Cooke's school room, Freedman's, Richmond, Va. After years of education being forbidden to slaves, the Freedman's Bureau provided education for male and female former slaves.

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Debate and Passage of the Fourteenth Amendment

As you may recall from studying the Constitution in your classes, amending the Constitution is not an easy task — and it is not supposed to be! The Framers made sure that the process to change our Constitution was difficult because they wanted all proposed amendments to be thoroughly debated and carefully considered both by Congress and by the people of the states. Article V of the Constitution lays out the procedures for how amendments can be proposed and how they can be ratified.

Here's how a proposed amendment can become part of the Constitution:

An amendment must first be proposed.

Either Congress or a constitutional convention may propose an amendment.

- a. If Congress proposes an amendment, it can do so only if two-thirds of each house of Congress votes to approve the amendment. The proposed amendment is in the form of a joint resolution. If Congress were to propose an amendment today, 290 members of the House of Representatives and 67 members of the Senate would have to vote to approve the amendment. All 27 amendments to our Constitution have been proposed this way.
- b. If the states want to propose an amendment, they may do so only by a constitutional convention. The only way to call a constitutional convention is if two-thirds of the state legislatures agree to the convention. This method has not been used in the entire history of our Constitution.

An amendment must then be ratified.

Once an amendment has been proposed, it is sent to each of the 50 states' legislatures. Then, it is up to a state's legislature to decide whether to ratify the proposed amendment. When three-fourths of the state legislatures vote to ratify an amendment, it becomes a part of the Constitution. Today, 38 states would be required to ratify an amendment.

The Fourteenth Amendment was proposed by Congress in 1866 and ratified by two-thirds of the states in 1868. Congress proposed the amendment for three reasons:

- to respond directly to the financial aftermath of the Civil War,
- to ensure that the freed slaves received the same protections under the Constitution as all other citizens, and
- to overrule the Supreme Court case of *Dred Scott v. Sandford* (1857).

Decided just a few years before the Civil War, the *Dred Scott* case held that people of African descent living in the United States as either slaves or freedmen were not citizens of the United States.

Chief Justice Roger B. Taney wrote the Court's opinion, in which he declared, "It is true, every person, and every class

and description of persons, who were at the time of the adoption of the Constitution recognized as citizens in the several States, became also citizens of this new political body; but none other" The "none other" of which Chief Justice Taney wrote were African Americans.

What Chief Justice Taney really meant was that African Americans were not considered "people" when the Constitution was ratified. Instead, they were, sadly, classified as mere property.



Dred Scott

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At the time the Constitution was ratified, there was no legal difference between a slave and a plow, or an ox. An African American slave was property of the white man, and the white man could buy and sell the African American slave at will — just like he could buy or sell any other type of good. ■

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Focus on the First Section of The Fourteenth Amendment

The first section of the Fourteenth Amendment, in part, was meant to overrule *Dred Scott v. Sandford* (1857). Because a Supreme Court's interpretation of a constitutional provision becomes the "law of the land" and binds both the states and the federal government, the only way its constitutional decisions can be overruled is by the constitutional amendment process. And that's exactly what the Fourteenth Amendment did.

Although the amendment has five sections, we are going to deal only with the first section, since it is the most relevant to our discussion and the section most important to understanding your individual rights. There are four clauses within Section 1 of the Fourteenth Amendment.

Keep reading. Each clause is addressed to help you to understand why that clause is so important.

1

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

[Citizenship Clause]

This sentence is the part of the Fourteenth Amendment that most pointedly overrules the *Dred Scott* decision, which said that individuals of African descent living in the United States are not citizens and could therefore not sue in court. Immediately after the Civil War, Congress passed the Civil Rights Act of 1866 to confer citizenship on all individuals born in the United States, which included the freed slaves. However, because it was only an Act of Congress (and therefore able to be repealed by a future Congress), Congress decided to forever

safeguard the guarantee of citizenship by using the amendment process. Thus, the Citizenship Clause was added.

The clause reaffirms that those born within a state of the United States are citizens both of that state and of the United States of America. We call this the concept of dual citizenship. Simply put, if you are an American citizen born and raised in South Carolina and continue to live in South Carolina, you are both a citizen of the United States of America and the State of South Carolina.

CASE BRIEF

Civil Rights Cases (1883): The Supreme Court held that Congress did not have the power to use the Fourteenth Amendment to pass the Civil Rights Act of 1875, which prohibited racial discrimination by private organizations and individuals. Instead, the Court held that the Fourteenth Amendment restricts only a state — not private parties unaffiliated with a state — from engaging in racial discrimination.

The importance of this decision cannot be overemphasized. It was this decision that prevented Republicans at the time from continuing to try to safeguard the rights of African American citizens. It took until the Civil Rights Movement of the 1960s for Congress to pass comprehensive legislation that essentially revived the Civil Rights Act of 1875.

In this case, and in the case of *Plessy v. Ferguson* (1896), the only Justice who stood up for the rights of African Americans was John Marshall Harlan. He is often referred to as the "Lone Dissenter" because he was the only Justice who dissented (or, disagreed with the majority of the Court) on two of the most important early civil rights cases. His dissent in *Plessy v. Ferguson* would become the majority opinion in *Brown v. Board of Education*, which the Court decided in 1954.

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Focus on the First Section of The Fourteenth Amendment, continued

②

“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States” [Privileges or Immunities Clause]

This clause is a repudiation both of the language used in the *Dred Scott* case and of the so-called Black Codes that existed in all southern states that had once been part of the Confederacy. Southern states passed the Black Codes to force the former slaves into submission so that they could never gain the political

power to challenge white people. The Codes essentially forced freed slaves to work long hours for barely any money and also restricted other aspects of the freed slaves' lives. For example, freed slaves were not allowed to own firearms, travel beyond a certain distance, vote, or appear in court as a witness.

CASE BRIEF

Slaughter-House Cases (1873): These cases were the Court's first interpretation of the Fourteenth Amendment. In its decisions, the Court narrowly interpreted all clauses contained in Section 1. The cases arose when a group of Louisiana butchers got together and sued the Crescent City Live-Stock Landing and Slaughter-House Company, claiming that its restrictions interfered with the butchers' ability to practice their trade and earn a living. The Court ruled narrowly that, in essence, the Fourteenth Amendment was meant first and foremost to safeguard only the rights of African Americans.

Saenz v. Roe (1999): This is one of the only cases that directly addresses exactly what right the Privileges or Immunities Clause protects. In this case, the Court held that this clause protects the right of Americans to travel from one state to another.

③

“[N]or shall any State deprive any person of life, liberty, or property, without due process of law” [Due Process Clause]

It is through the Due Process Clause that most of the Bill of Rights (the first ten amendments to the Constitution) apply to the states.

The Due Process Clause was added to prevent the states from denying their citizens life, liberty, or property without proper notice of the denial as well as an opportunity for the

citizen to challenge the denial in a legal proceeding. However, there are some fundamental rights that the Supreme Court has decided are so fundamental to our way of life that they are part of the concept of due process. The right to privacy is one fundamental right that is protected by the Due Process Clause.

CASE BRIEF

Roe v. Wade (1973): This case protects each woman's decision to have an abortion in certain parts of the pregnancy. In reaching its conclusion that the Constitution protects this right, the Court focused on privacy. It is privacy and the right to make choices affecting one's body that is protected by the Constitution, and it is the Due Process Clause of the Fourteenth Amendment that guarantees that the states cannot infringe on this right.

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Focus on the First Section of The Fourteenth Amendment, continued



“[N]or deny to any person within its jurisdiction the equal protection of the laws.” [Equal Protection Clause]

The Equal Protection Clause prevents a state from applying a law differently to groups of people. It also prevents a state from passing laws arbitrarily discriminating against a group of people. It was initially interpreted to ensure that freed slaves received the same rights and enjoyed the same privileges as their white counterparts. However, in more recent years, the Supreme Court has interpreted this clause more broadly and has ruled that the clause also protects women against gender-

based discrimination by a state.

Perhaps the most famous Supreme Court case that mentions the Equal Protection Clause is *Brown v. Bd. of Education* (1954). In *Brown*, the Court ruled that separate facilities for African Americans are inherently unequal and that all laws providing for such separate facilities violate the Equal Protection Clause.

CASE BRIEF

Loving v. Virginia (1967): Once upon a time, it was legal for a state to make it unlawful for men and women of different races to marry. These laws were called anti-miscegenation laws because their intent was to encourage continued separation of the races. Virginia had one such law. Mildred and Richard Loving were married in the District of Columbia. Upon their return to Virginia, they were charged with violating a Virginia law that banned marriages between whites and blacks. Feeling discriminated against and wanting to fight for their marriage, the Lovings sued the State of Virginia and claimed that Virginia's law violated the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment. The Court, in a unanimous opinion, agreed and struck down the Virginia law as a clear violation of the Constitution.

This lesson was written by Daniel J. Crooks III, a Spring 2012 Fellow with the Marshall-Brennan Constitutional Literacy Project. Daniel graduated with the B.A. in History from the College the Charleston in 2006, with a J.D., cum laude, from the Charleston School of Law in May 2011, and with a LL.M. in Law and Government from the American University Washington College of Law in August 2012. Daniel studied at the Washington College of Law as a Law and Government Scholar, and in 2012, was awarded the T. Morton McDonald Scholarship Award for excellence in legal research.

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In the fall of 1999, Professor Jamin Raskin of American University Washington College of Law launched the Marshall-Brennan Constitutional Literacy Project named in honor of the late United States Supreme Court Justices Thurgood Marshall and William J. Brennan, Jr. For more information, visit the project website (www.wcl.american.edu/marshallbrennan/).

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The Due Process Clause: Fundamental Fairness and Individual Rights

The Bill of Rights, the first ten amendments to the Constitution, was ratified on December 15, 1791. The Thirteenth Amendment, which forever outlawed slavery in the United States, was ratified on December 6, 1865. The Fifteenth Amendment, which granted African American men the right to vote, was ratified February 3, 1870.

In between these two very important amendments came the Fourteenth Amendment. The Fourteenth Amendment was proposed by Congress on June 16, 1866, and immediately sent to the states for ratification. On July 9, 1868, the proposed amendment was ratified by three-fourths of the states (28 out of 37) and became part of our Constitution.

The Fourteenth Amendment's Due Process Clause "incorporates" most of the Bill of Rights against the states. This means that you are protected against the power of the federal government and of your state's government. For example, a state police officer, just like a federal police officer, is constitutionally prohibited from violating your Fourth or Fifth Amendment rights.

When the Supreme Court hears cases, they look to the Constitution and its amendments. In deciding whether a particular portion of the Bill of Rights applies to the states through the Fourteenth Amendment, the Court looks to a variety of factors, including the history of the particular right itself, the history of the Fourteenth Amendment, the nature of the right sought, and prior decisions by the Court. Deciding any issue of constitutional importance is not an easy task — even for the nine brilliant men and women who make up the Court. However, using the above factors, the Court does its best to decide what the Constitution means to a particular set of facts.

Below are the amendments (and in some cases, only part of an amendment) from the Bill of Rights that the Supreme Court has declared applicable to the states:

First Amendment	All	Sixth Amendment	All
Second Amendment	All	[Seventh Amendment does not apply to the states.]	
[Third Amendment (quartering of soldiers) has not reached the Court.]		Eighth Amendment	Only the Cruel and Unusual Punishment Clause has been incorporated
Fourth Amendment	All	[Ninth Amendment does not apply to the states.]	
Fifth Amendment	All, except the clause that guarantees a grand jury indictment	[Tenth Amendment does not apply to the states.]	

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YOU AND YOUR RIGHTS

What Does This Have to Do With Me?

Everything! Think about all of the rights you have learned about in school: freedom of speech (First Amendment), freedom of religion (First Amendment), freedom from unreasonable searches and seizures (Fourth Amendment), the right to remain silent (Fifth Amendment), freedom from cruel and unusual punishment (Eighth Amendment), and the right to a lawyer in a criminal proceeding (Sixth Amendment).

Remember that all of these rights were originally a restraint on the federal government, meaning that it could not take these rights away from you. But, then the Civil War came, and the southern states did just that — took away these rights from the freed slaves. So, Congress decided to step in and make sure that the states could no longer take away those liberties we as Americans hold so dear. With the Fourteenth Amendment came great protections, not only for freed slaves, but for all Americans.

As the years progressed, the Court began to interpret Section 1 of the Fourteenth Amendment as a guarantee of all of our individual freedoms. Because of the Fourteenth Amendment:

- Segregation by race is unconstitutional,
- Discrimination based on race, national origin, and sex is unconstitutional in most cases,
- Men and women of different races can get married, and
- The right of privacy is protected.

You are free to walk down the street knowing that the most important guarantees of the Bill of Rights protect you from the powers of both the federal and state governments.

QUESTIONS

1. Why do you think the Articles of Confederation wasn't the best form of government for the newly created United States of America? Do you think it could have been revised (as was the plan for the men who met at the Constitutional Convention), or do you agree with the Framers' decision to scrap it entirely and create a brand new document?
2. Why do you think so many people wanted the Constitution to have a Bill of Rights?
3. Can you think of any rights not contained in the original Bill of Rights that you would have added?
4. The Thirteenth Amendment forever abolished slavery in the United States. The Fourteenth Amendment guaranteed the rights and freedoms of the freed slaves. The Fifteenth Amendment forever protected the right of African Americans to vote. Together, these amendments are often referred to either as the "Civil War Amendments" or the "Reconstruction Amendments." Why was it important that these rights were protected using the constitutional amendment process, instead of just by a regular Act of Congress?
5. What do you think are the most important rights safeguarded by the Fourteenth Amendment and why?