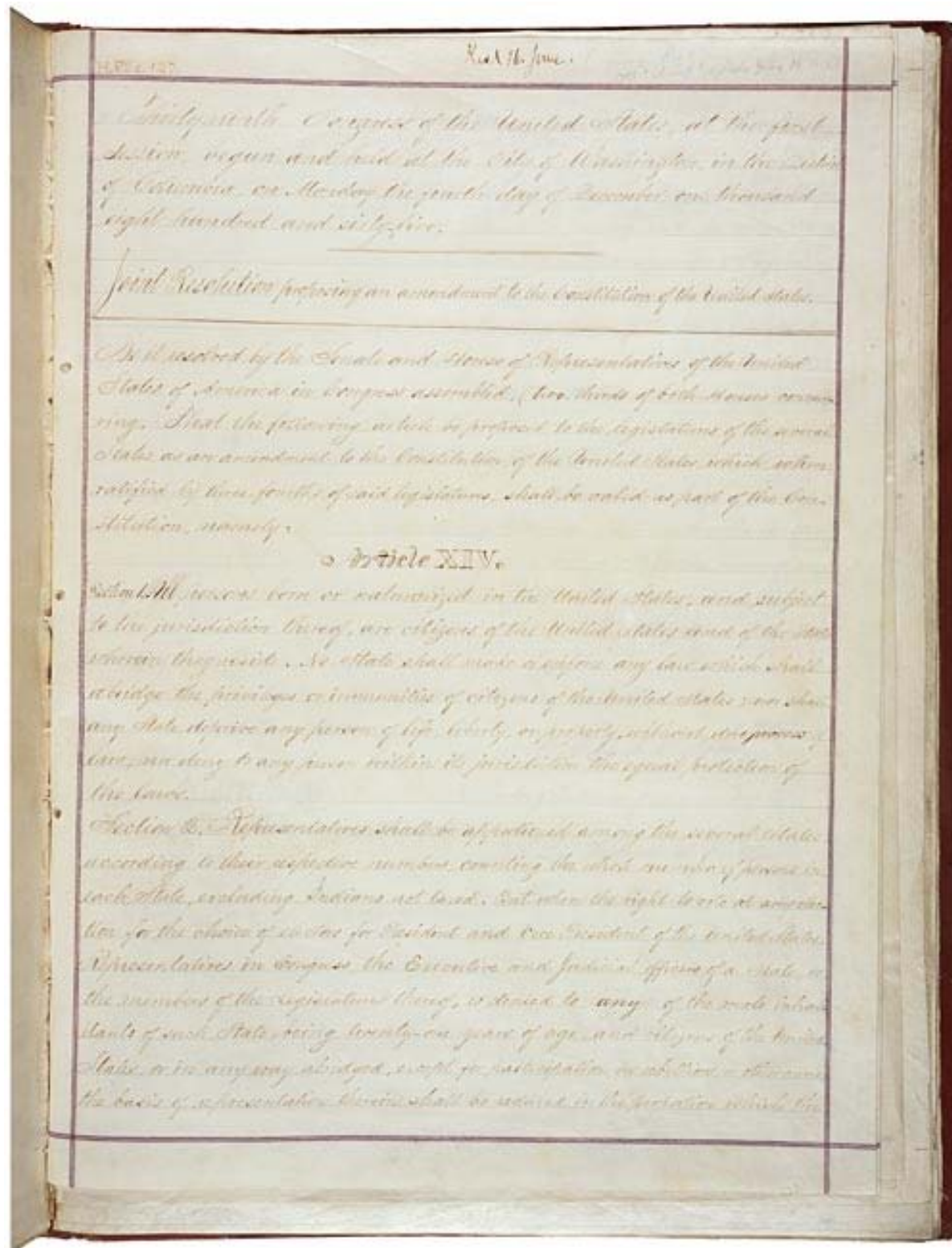


Handout #1



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Read the same.

Joint Resolution of the Congress of the United States, at the first Session begun and held at the City of Washington, in the District of Columbia, on Monday the seventh day of December one thousand eight hundred and sixty-five.

Joint Resolution proposing an amendment to the Constitution of the United States.

As it is recited by the Senate and House of Representatives of the United States of America, in Congress assembled, (two thirds of both Houses concurring) That the following, which is proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which when ratified by three fourths of said Legislatures, shall be valid as part of the Constitution, to-wit:

Article XIV.

Section 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. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at elections for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the

number of each city as shall bear the whole number of votes, to give twenty-one year of age in each state.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as a justice or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

All this

Enacted

at the City of Washington

in presence of
Secretary of the Senate.

Spencer C. Fry

Speaker of the House of Representatives

Lin. Timothy S. Foster

President of the Senate, pro tempore

14th Amendment to the U.S. Constitution: Civil Rights (1868)

Following the Civil War, Congress submitted to the states three amendments as part of its Reconstruction program to guarantee equal civil and legal rights to black citizens. The major provision of the 14th amendment was to grant citizenship to “All persons born or naturalized in the United States,” thereby granting citizenship to former slaves. Another equally important provision was the statement that “nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” The right to due process of law and equal protection of the law now applied to both the Federal and state governments. On June 16, 1866, the House Joint Resolution proposing the 14th amendment to the Constitution was submitted to the states. On July 28, 1868, the 14th amendment was declared, in a certificate of the Secretary of State, ratified by the necessary 28 of the 37 States, and became part of the supreme law of the land.

Congressman John A. Bingham of Ohio, the primary author of the first section of the 14th amendment, intended that the amendment also nationalize the Federal Bill of Rights by making it binding upon the states. Senator Jacob Howard of Michigan, introducing the amendment, specifically stated that the privileges and immunities clause would extend to the states “the personal rights guaranteed and secured by the first eight amendments.” Historians disagree on how widely Bingham's and Howard's views were shared at the time in the Congress, or across the country in general. No one in Congress explicitly contradicted their view of the Amendment, but only a few members said anything at all about its meaning on this issue. For many years, the Supreme Court ruled that the Amendment did not extend the Bill of Rights to the states.

Not only did the 14th amendment fail to extend the Bill of Rights to the states; it also failed to protect the rights of black citizens. One legacy of Reconstruction was the determined struggle of black and white citizens to make the promise of the 14th amendment a reality. Citizens petitioned and initiated court cases, Congress enacted legislation, and the executive branch attempted to enforce measures that would guard all citizens' rights. While these citizens did not succeed in empowering the 14th amendment during the Reconstruction, they effectively articulated arguments and offered dissenting opinions that would be the basis for change in the 20th century.

(Information excerpted from *Teaching With Documents* [Washington, DC: The National Archives and Records Administration and the National Council for the Social Studies, 1998] p. 40.)

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