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The 14th Amendment to the United States Constitution deals with several aspects of U.S. citizenship and the rights of citizens. Ratified on July 9, 1868, during the post-Civil War era, the 14th, along with the 13th and 15th Amendments, are collectively known as the Reconstruction Amendments. Although the 14th Amendment was intended to protect the rights of formerly enslaved people, it has continued to play a major role in constitutional politics to this day. In response to the Emancipation Proclamation and the 13th Amendment, many Southern states enacted laws known as Black Codes designed to continue to deny African Americans certain rights and privileges enjoyed by white citizens. Under the states' Black Codes, recently freed, formerly enslaved Black Americans were not allowed to travel widely, own certain types of property, or sue in court. In addition, African Americans could be jailed for not being able to repay their debts, leading to racially-discriminating labor practices like the leasing of convicts to private businesses. Today, the legacy of these practices lives on in bail systems, imprisonment for failure to pay debts and fees, and the overall prison-industrial complex. In 1857, the U.S. Supreme Court had decided *Dred Scott v. Sanford*, holding that the U.S. Constitution did not consider Black people (whether enslaved or free) to be American citizens, and therefore they did not have any of the rights and privileges of citizens. The result was the creation of a permanently disenfranchised group of people not protected by the law of the land; instead, the law and the very definition of citizenship was specifically crafted and interpreted to support the system of chattel slavery. *Dred Scott* did not just rule that Black people could not be American citizens. It also formally struck down the Missouri Compromise, a federal law from 1820 that had attempted to "balance" the desires of slave states and free states and had banned slavery in Louisiana Purchase territory north of the 36th parallel. At the time - and, indeed, throughout American history - racism has often been articulated and propagated through the language of "states' rights." Antebellum (and Reconstruction) laws targeting Black people were not the only ones. In 1875, for instance, California attempted to pass a law allowing state immigration officials to "screen" out immigrants deemed "lewd and debauched." The Supreme Court case *Chy Lung v. Freeman*, brought by a Chinese immigrant woman detained for traveling without husband or children, struck it down, determining that immigration rests with federal, not state, authorities. The *Dred Scott* decision, along with strong political and economic interests of the era, enforced a legal precedent tying American citizenship to the definition of "White," a definition that endured for many years. In 1922, the Supreme Court ruled in *Ozawa v. United States*, the case of a Japanese-American man who had been born in Japan and wished to apply for naturalization. The Naturalization Act of 1906 limited naturalization to "free white persons" and "persons of African nativity or persons of African descent." *Ozawa* argued that he and other Japanese people should be classified under the "free white persons" category, but the Supreme Court disagreed, holding instead that "White" did not refer to literal skin color, but only applied to Caucasians. Of the three Reconstruction amendments, the 14th is the most complicated and the one that has had the more unforeseen effects. Its broad goal was to reinforce the Civil Rights Act of 1866, which ensured that "all persons born in the United States" were citizens and were to be given "full and equal benefit of all laws." The Civil Rights Act of 1866 protected the "civil" rights of all citizens, such as the right to sue, make contracts, and buy and sell property. However, it failed to protect "political" rights, like the right to vote and hold office, or "social" rights guaranteeing equal access to schools and other public accommodations. Congress had intentionally omitted those protections in hopes of averting the bill's veto by President Andrew Johnson (1808-1875). When the Civil Rights Act landed on President Johnson's desk, he fulfilled his promise to veto it. Congress, in turn, overrode the veto and the measure became law. Johnson, a Tennessee Democrat who had enslaved Black people and obstructed Reconstruction, had clashed repeatedly with the Republican-controlled Congress. Johnson favored quick reinstatement of Southern states and opposed protections for newly-freed Black people, claiming they would infringe on states' sovereign rights. He vetoed the Civil Rights Act of 1866 with similar claims that it was unfair to the states currently unrepresented in Congress (Congress refused to seat the ex-Confederate legislators until appropriate Reconstruction actions had been taken) and that it favored Black people over White people, particularly in the South. Johnson actually became the first American president to be impeached, with the primary charge involving his attempt to dismiss Edwin M. Stanton, the secretary of war who would have implemented Reconstruction policies passed by Congress against Johnson's views. He was acquitted by a margin of just one vote in 1868. Fearing President Johnson and Southern politicians would soon attempt to undo the protections of the Civil Rights Act of 1866, Republican congressional leaders began work on what would become the 14th Amendment. After clearing Congress in June of 1866, the 14th Amendment went to the states for ratification. As a condition for readmittance to the Union, the former Confederate states were required to approve the amendment. This became a point of contention between Congress and Southern leaders. The 14th Amendment. U.S. National Archives Connecticut was the first state to ratify the 14th Amendment on June 30, 1866. During the next two years, 28 states would ratify the amendment, although not without incident. Legislatures in Ohio and New Jersey both rescinded their states' pro-amendment votes. In the South, Louisiana and North and South Carolina refused initially to ratify the amendment. Nevertheless, the 14th Amendment was declared formally ratified on July 28, 1868. With its passage of the Civil Rights Act of 1875, Congress attempted to bolster the 14th Amendment. Also known as the "Enforcement Act," the 1875 Act guaranteed all citizens, regardless of race or color, equal access to public accommodations and transportation, and made it illegal to exempt them from serving on juries. In 1883, however, the U.S. Supreme Court, in its Civil Rights Cases decisions, overturned the public accommodation sections of the Civil Rights Act of 1875 and declared that the 14th Amendment did not give Congress the power to dictate the affairs of private businesses. As a result of the Civil Rights Cases, while African Americans had been declared legally "free" by the 13th Amendment and formally defined as U.S. citizens by the 14th Amendment, they continue to face discrimination in society, economics, and politics into the 21st century. The 14th Amendment contains five sections, of which the first contains the most impactful provisions. Section One guarantees all rights and privileges of citizenship to any and all persons born or naturalized in the United States. It also guarantees all Americans their constitutional rights and prohibits the states from passing laws limiting those rights. Lastly, it ensures that no citizen's right to "life, liberty, or property" will be denied without due process of law. Section Two specifies that the process of apportionment used to fairly distribute seats in the U.S. House of Representatives among the states must be based on the whole population, including formerly enslaved African Americans. Prior to this, African Americans had been under-counted when apportioning representation. The section also guaranteed the right to vote to all male citizens age 21 years or older. Section Three forbids anyone who participated or has participated in "insurrection or rebellion" against the United States from holding any elected or appointed federal office. The section was intended to prevent former Confederate military officers and politicians from holding federal offices. However, they were still permitted to hold other positions of power, such as law enforcement, and retained their Second Amendment rights. Section Four addresses the federal debt by confirming that neither the United States nor any state could be forced to pay for lost enslaved Black Americans or debts that had been incurred by the Confederacy as a result of their participation in the Civil War. Section Five, also known as the Enforcement Clause, grants Congress the power to pass "appropriate legislation" as necessary to enforce all of the amendment's other clauses and provisions. The four clauses of the first section of the 14th Amendment are the most important because they have repeatedly been cited in major Supreme Court cases concerning civil rights, presidential politics and the right to privacy. The Citizenship Clause overrules the 1875 Supreme Court *Dred Scott* decision that formerly enslaved African Americans were not citizens, could not become citizens, and thus could never enjoy the benefits and protections of citizenship. The Citizenship Clause states that "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." This clause played an important role in two Supreme Court cases: *Elk v. Wilkins* (1884) which addressed citizenship rights of Indigenous peoples, and *United States v. Wong Kim Ark* (1898) which affirmed the citizenship of U.S.-born children of legal immigrants. The Privileges and Immunities Clause states "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." In the *Slaughter-House Cases* (1873), the Supreme Court recognized a difference between a person's rights as a U.S. citizen and their rights under state law. The ruling held that state laws could not impede a person's federal rights. In *McDonald v. Chicago* (2010), which overturned a Chicago ban on handguns, Justice Clarence Thomas cited this clause in his opinion supporting the ruling. The Due Process Clause says no state shall "deprive any person of life, liberty, or property, without due process of law." Although this clause was intended to apply to professional contracts and transactions, over time it has become most closely cited in right-to-privacy cases. Notable Supreme Court cases that have turned on this issue include *Griswold v. Connecticut* (1965), which overturned a Connecticut ban on the sale of contraception; *Roe v. Wade* (1973), which overturned a Texas ban on abortion and lifted many restrictions on the practice nationwide; and *Obergefell v. Hodges* (2015), which held that same-sex marriages deserved federal recognition. The Equal Protection Clause prevents states from denying "to any person within its jurisdiction the equal protection of the laws." The clause has become most closely associated with civil rights cases, particularly for African Americans. In *Plessy v. Ferguson* (1898) the Supreme Court ruled that Southern states could enforce racial segregation as long as "separate but equal" facilities existed for Black and white Americans. It wouldn't be until *Brown v. Board of Education* (1954) that the Supreme Court would revisit this opinion, ultimately ruling that separate facilities were, in fact, unconstitutional. This key ruling opened the door for a number of significant civil rights and affirmative action court cases. *Bush v. Gore* (2001) also touched on the equal protection clause when a majority of justices ruled that the partial recount of presidential votes in Florida was unconstitutional because it was not being conducted the same way in all contested locations. The decision essentially decided the 2000 presidential election in George W. Bush's favor. Over time, numerous lawsuits have arisen that have referenced the 14th Amendment. The fact that the amendment uses the word "state" in the Privileges and Immunities Clause—along with interpretation of the Due Process Clause—has meant state power and federal power are both subject to the Bill of Rights. Further, the courts have interpreted the word "person" to include corporations. As a result, corporations are also protected by "due process" along with being granted "equal protection." While there were other clauses in the amendment, none were as significant as these. Updated by Robert Longley Baer, Judith A. "Equality Under the Constitution: Reclaiming the Fourteenth Amendment." Ithaca NY: Cornell University Press, 1983. Lash, Kurt T. "The Fourteenth Amendment and the Privileges and Immunities of American Citizenship." Cambridge UK: Cambridge University Press, 2014.Nelson, William E. "The Fourteenth Amendment: From Political Principle to Judicial Doctrine." Cambridge MA: Harvard University Press, 1988

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