

The Fourteenth Amendment

The end of the Civil War left many civil rights battles unfought, but a major victory came with the Thirteenth Amendment, which freed all remaining slaves, followed by the Civil Rights Act of 1866, which reinforced the Thirteenth Amendment by declaring all citizens “of every race and color” to have the same rights. But concerns remained about the vitality of that legislation, and uncertainty lingered about upcoming congressional elections and whether the Reconstruction Congress would retain its power. Some feared that a new Congress would repeal the Civil Rights Act. The solution was to embed its principles into the Constitution.

Historians and constitutional scholars describe the Fourteenth Amendment as the most important amendment since the adoption of the Bill of Rights in 1791. The Amendment’s essence lies in its enforceable guarantee of legal equality to all citizens.

The profound importance of the Fourteenth Amendment flows from its first section. It not only establishes birthright citizenship—declaring all persons born in the United States of America to be citizens—but more significantly it prohibits states from abridging the privileges or immunities of citizens and forbids any state to “deprive any person of life, liberty, or property, without due process of law” or to deny any person “the equal protection of the laws.” The word “equal” doesn’t appear in the Constitution—except with regard to states having equal numbers of senators—but it finally appears in the Fourteenth Amendment.

The Bill of Rights restrained the federal government, but the Fourteenth Amendment enshrined legislation protecting individuals from violations of rights by states. Historian Eric Foner observes that “the Fourteenth Amendment makes the federal government . . . what the great abolitionist senator Charles Sumner called “The Custodian of Freedom.” Decades later it upheld the civil rights movement. As constitutional scholar Jethro Lieberman explains, the due process clause “became the basis for applying the Bill of Rights to the states,” and the equal protection clause became “the basis for desegregating American society. These provisions have proved to be the most far-reaching of the amendments to the Constitution.”

SEE ALSO The *Dred Scott* Decision (1857); The Emancipation Proclamation (1863); The Abolition of Slavery (1865); The Civil Rights Act of 1866; Prohibition of Racial Voter Discrimination (1869); The Civil Rights Cases (1883); *Plessy v. Ferguson*: Separate but Equal (1896); The Civil Rights Act of 1964.

*Jacob M. Howard, the Michigan senator who authored the citizenship clause of the Fourteenth Amendment that reversed a portion of the U.S. Supreme Court’s *Dred Scott* decision.*

