

LAWS OF THE LAND

The 13th, 14th, and 15th Amendments

The Civil War caused more constitutional amendments to be passed than any other event in U.S. history. Although the war had been fought to save the Union, it also became the war to free the slaves. Many people felt that this could be done by passing laws. But laws can be changed, repealed, or even declared unconstitutional, whereas an amendment is part of the Constitution.

Equal rights supporters and African Americans enjoy the privileges of citizenship in this engraving commemorating the passage of the 15th Amendment to the Constitution.

13TH AMENDMENT

In 1865, the 13th Amendment, which officially abolished slavery, was passed by two-thirds of the House and Senate and ratified



by three-fourths of the states. The newly freed slaves, however, had very little money. Their food, clothing, and housing had always been provided by their owners. Now they had to learn to live on their own. In addition, some Southern states passed laws, called Black Codes, that regulated the activities of the blacks.

14TH AMENDMENT

Although blacks were no longer slaves, they were also not citizens and not protected by the laws of the nation. So in 1866, Congress passed the 14th Amendment, which gave citizenship to all persons born or naturalized in the United States. (“Naturalized” means foreign born but given U.S. citizenship.) The 14th Amendment was ratified by the states and became a part of the Constitution in 1868.

This amendment said that no state could deprive a person of life, liberty, or property without due process of law. In other words, a person was guaranteed the right to a fair trial or jury of one’s peers. The states also could not deny citizens equal protection under the law. In practice, this meant that any citizen would be protected regardless of race, color, or national origin.

It also required that blacks and whites were now counted equally in terms of representation in the House of Representatives. This resulted in more representation than ever before for the Southern states and seemed unfair to the North.

To pacify the Northern states, the amendment provided that if a state denied the right to vote to any citizen of the United States, it would lose some of its congressional representatives. In other words, black males had to be given the right to vote or the state would lose the additional representatives it had received based on the number of black citizens. This part of the amendment was not, however, enforced. Many Southern states denied the vote to blacks, and Congress made no effort to punish them.

We the People

Neither slavery nor involuntary servitude, except as a punishment for a crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

—13th Amendment to the
Constitution, 1865

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 law. No person shall . . . hold any office, civil or military, under the United States, or under any state, who having previously taken an oath . . . 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.

—14th Amendment to the
Constitution, 1868

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state, on account of race, color, or previous condition of servitude.

—15th Amendment to the
Constitution, 1870

Andrew Johnson holds a leaking kettle, labeled "The Reconstructed South," toward a woman representing the United States, carrying a baby representing the newly approved 14th Amendment.



The 14th Amendment also denied former officials of the Confederacy the right to hold office. It also said that the U.S. government did not have to pay back the money private citizens had given to the Confederacy to buy weapons and uniforms for the South. At the same time, the federal government guaranteed that it would pay all debts incurred by the North during the war.

Although the 14th Amendment officially ended racial discrimination through its due process and equal protection clauses, minorities in the United States would not have the political power to change things until they had the right to vote.

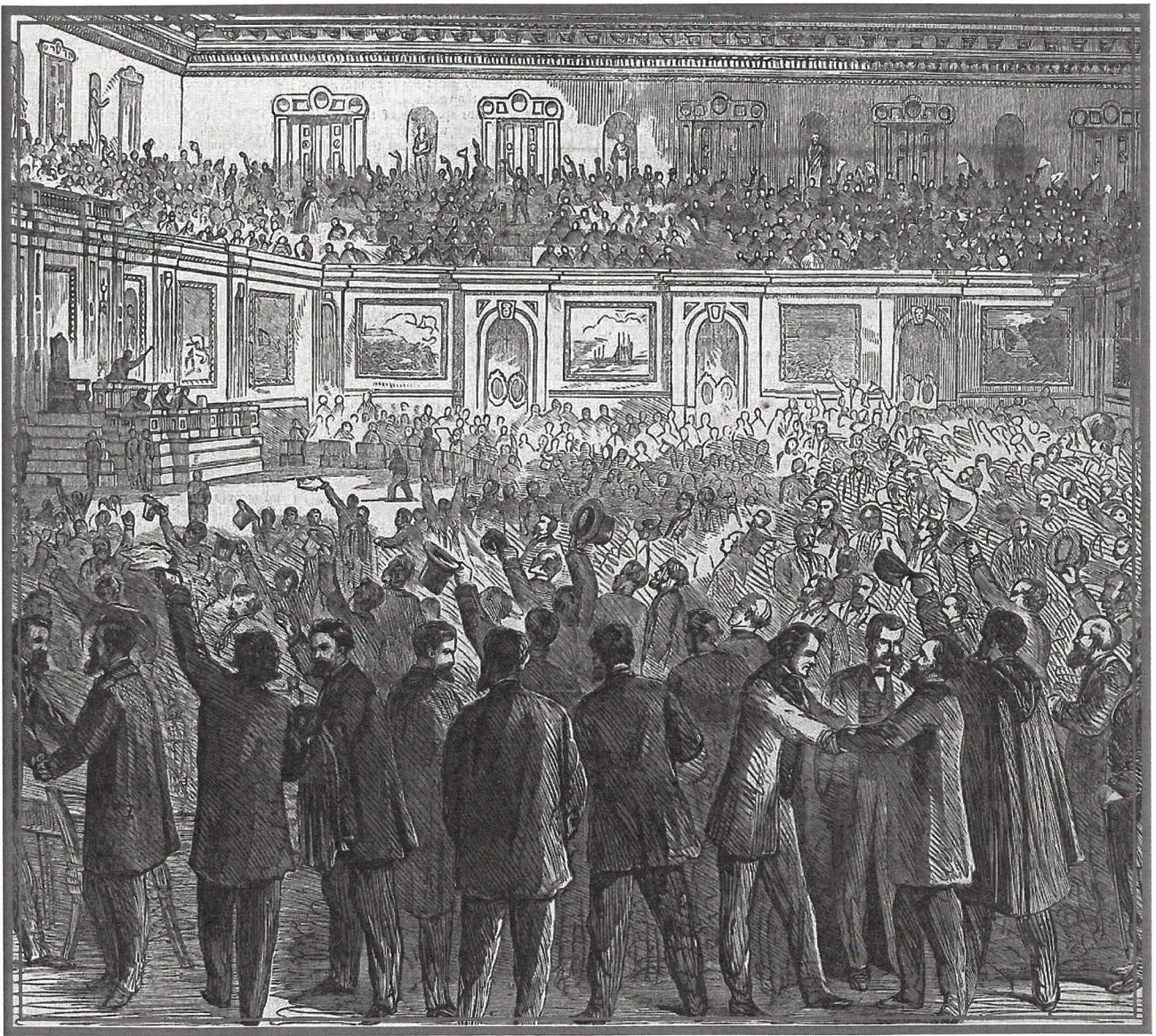
15TH AMENDMENT

In 1870, the 15th Amendment gave all men 21 and older, regardless of race, color, or previous condition of servitude, the right to vote. Again, many Southern states found ways of getting around the law. They required that all voters take a literacy test (determining whether they could read and understand a part of the Constitution). Voters also were required to pay a poll tax. Since many blacks could not read and did not have the money to pay the tax, they were denied their right to vote. These rules were rarely enforced for white people who could not read or pay the tax. Not until the Voting Rights Act of 1965 did all racial discrimination in voting, including literacy tests, come to an end.

The 13th, 14th, and 15th amendments had far-reaching effects on all American citizens. They made sure that each of us would be treated fairly under the law, and they made it possible for everyone to vote for the candidates of his or her choice.

The amendment procedure has allowed us to make changes in U.S. government policy. What began as a Constitution to uphold the rights of the individual against the tyranny of the majority has, through amendments, become a document that grants authority to the majority, while respecting minority rights. Because of the possibility of adding amendments, the Constitution is still a living document, responsive to changing times and changing values.

A celebration begins on the floor of the House of Representatives as the 13th Amendment is passed in January 1865.



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