

THE 13TH, 14TH, AND 15TH AMENDMENTS

lands were unconstitutional. Taney declared that "neither Dred Scott himself, nor any of his family, were made free by being carried into" a place where slavery was unlawfully banned.

The chief justice had hoped that his decision would finally end America's long-running debate over the legality and the morality of slavery.

He was dead wrong.

Although hailed by slave owners as a great victory, the Dred Scott decision horrified millions of other Americans, including Abraham Lincoln. "A house divided against itself cannot stand," he declared in 1858. "I believe this government cannot endure permanently half slave and half free."

Lincoln was elected president in 1860, igniting a civil war between the North and the South. It was the bloodiest conflict ever fought on American soil, and it took almost no one by surprise. Some of the signers of the Constitution, especially those who opposed its pro-slavery provisions in 1787, could see it coming even then.

RATIFIED IN 1865, 1868, AND 1870

After the North won the Civil War, it wrote its victory into the Constitution. You can read it in the Thirteenth, Fourteenth, and Fifteenth Amendments.

The Thirteenth Amendment completely abolished slavery. No one could ever again be bought or sold in any state in the United States or in any territory controlled by the United States. It also abolished involuntary servitude—that is, forcing someone to work without pay. Convicted prisoners would be the only exceptions to that rule.

The Fourteenth Amendment expanded liberty to newly freed slaves and to all who lived in America. The first chapter of this book discusses the opening section of the amendment—how it broadened the definition of citizenship and reasserted the rule of law—but the later sections are worth considering, too.

The bitter consequences of losing a war are laid out in the Fourteenth Amendment. *None* of the debts of

the Confederate Army would be paid by the United States. That meant that unpaid bills for food, clothing, housing, ammunition—for anything at all that helped the rebels—would be left unpaid. But *all* of the debts of the Union Army had to be paid in full. Anyone who fought for the Confederacy or who supported the rebellion was banned from being elected or appointed to virtually all public offices, including Congress and the presidency. Exceptions were only possible if two-thirds of the House and two-thirds of the Senate agreed to make them.

The Fourteenth Amendment also includes a section about voting rights. It describes the punishments for states that don't extend the vote to all men over the age of twenty-one. (Notice—as many women at the time certainly did—that it was only men. The fight for women's suffrage would take more than fifty years to be resolved.)

The Fifteenth Amendment is simple and strong. A citizen's right to vote can't be denied or limited because of race, skin tone, or history as a slave.

The ugly compromises that the framers had agreed to in Philadelphia were finally rejected in these three amendments. No human being in America would ever again be counted as three-fifths of a person, as slaves

were in Article I, Section 2, of the Constitution. No human being would ever be treated as property that must be returned to an owner, as enslaved people were in Article IV, Section 2.

The Constitution had righted the country's greatest wrong.



to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

AMENDMENT XII

Ratified on June 15, 1804

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the repre-

sentation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President.—] The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

AMENDMENT XIII

Ratified on December 6, 1865

Section 1.

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



Section 2.

Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XIV

Ratified on July 9, 1868

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 any election 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 participa-

tion in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such 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 an executive 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 the power to enforce, by appropriate legislation, the provisions of this article.

AMENDMENT XV

Ratified on February 3, 1870

Section 1.

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—

Section 2.

The Congress shall have the power to enforce this article by appropriate legislation.

AMENDMENT XVI

Ratified on February 3, 1913

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

AMENDMENT XVII

Ratified on April 8, 1913

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors

in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

AMENDMENT XVIII

Ratified on January 16, 1919. Later repealed by Amendment XXI.

Section 1.

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2.

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3.

This article shall be inoperative unless it shall have been