

# THE 14TH AMENDMENT UNWRAPPED

## How does an amendment get approved?

The United States Constitution is a living document that makes sure that our government has the ability to evolve over time. The amendments reflect the changes necessary for the nation to keep moving forward. In the 233 years since the Constitution was ratified (or approved), despite thousands of proposals, the U.S. government has ratified only 27 amendments. The process for ratifying amendments guarantees stability in governance while also preventing unnecessary adjustments to one of the original founding documents of the United States.

The U.S. Constitution is the world's longest surviving written charter of government, and making changes to it is no easy task. To amend the Constitution, members of Congress may propose changes, and any American citizen has the right to request changes. For an amendment to be approved, 38 of the 50 states must agree that the amendment is necessary for the welfare of all U. S. citizens. If 38 states ratify the amendment, it becomes a part of the Constitution. However, the amendment process can be very slow because it takes time to get so many states to agree.

## Why is the 14th Amendment important?

Ratified in 1868, the 14th Amendment granted citizenship to all people born in or naturalized in the United States, including formerly enslaved persons. All U.S. citizens were promised equal protection under the law. Following on the heels of the Emancipation Proclamation and the 13th Amendment, which abolished slavery and protected the rights of Black Americans, the 14th Amendment went a step further to guarantee rights to all people despite objections from many Southern states. Before the 14th Amendment, former slaves were “counted” as three-fifths of a person for the purpose of determining congressional representation in Washington D.C. With the passing of the 14th Amendment, every person was counted as a “whole person,” and every male over the age of twenty-one was given the right to vote. Despite its initial limitations, the 14th Amendment has been essential in guaranteeing voting rights and equal representation, paving the way for women's suffrage, securing First Amendment rights, and for eliminating segregation in schools. The 14th Amendment was a major moment in U.S. history because it guarantees the right to due process and equal protection of the law for everyone and “removed race and ethnicity from the legal definition of American identity.”

## Amendment 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 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 participation 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.

#### Sources

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United States Government. (2002). 14th amendment to the U.S. Constitution: Civil Rights (1868). National Archives and Records Administration. <https://www.archives.gov/milestone-documents/14th-amendment>