

# Amending the U.S. Constitution

COMMENTARY AND SIDEBAR NOTES BY L. MAREN WOOD

## As you read...

After the Civil War, Congress passed three amendments to the Constitution that abolished slavery and guaranteed full citizenship and voting rights to African Americans. All former Confederate states were required to ratify the thirteenth and fourteenth amendments before they could be readmitted to the Union. States still not readmitted when Congress passed the Fifteenth Amendment in 1869 were required to ratify that as well.

In 1863, Lincoln's Emancipation Proclamation had freed slaves in places then in rebellion against the United States. But that excluded the "border states" of Maryland, Delaware, Missouri, and Kentucky, as well as places that had been retaken by Union forces before 1863. The Thirteenth Amendment, ratified in December 1865, outlawed slavery throughout the United States.

The following year, in response to the "black codes" passed by southern states, Congress passed the Civil Rights Act of 1866. The fourteenth and fifteenth amendments raised the civil rights of African Americans to a matter of constitutional law, untouchable by a later Congress. They also guaranteed the power of Congress to protect Americans' civil rights.

The Fourteenth Amendment guaranteed full citizenship to African Americans, but it also, for the first time, defined citizenship on a national level. The Fifteenth Amendment guaranteed the right of blacks to vote.

The Fourteenth Amendment also placed restrictions on former Confederate leaders, wiped out all debts taken on by seceded states and the Confederate government, and ensured that no former slaveholder could be compensated for the loss of his slave property.

Three former slave states rejected the Fifteenth Amendment — Kentucky and Delaware, which had never seceded, and Tennessee, which had already been readmitted to the Union. Ohio also formally rejected black suffrage. Tennessee would eventually become the last state to ratify the amendment — in 1997.

## QUESTIONS TO CONSIDER

1. Which of North Carolina's Black Codes were invalidated by these amendments? Consider both the antebellum laws and the laws passed after the Civil War.
2. Who was excluded from holding federal office? How could this ban be overturned? Why do you think Congress passed this law?
3. How did these amendments try to ensure the rights of African Americans? Which clauses of these amendments do you believe were most significant?
4. What happened to the debt incurred by the Confederacy? Why do you think Republicans wanted this made law?

## Amendment XIII

### 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

### 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,<sup>1</sup> 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.<sup>2</sup>

### 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 power to enforce, by appropriate legislation, the provisions of this article.

## **Amendment XV**

#### **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 power to enforce this article by appropriate legislation.

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### **On the web**

#### **Interactive Constitution**

[http://ratify.constitutioncenter.org/constitution/index\\_no\\_flash.php](http://ratify.constitutioncenter.org/constitution/index_no_flash.php)

The National Constitution Center provides extensive commentary on the Constitution and its amendments, with both historical and legal context.

#### **African American Voting Rights and the North Carolina Constitution**

<http://www.sog.unc.edu/programs/civiced/resources/docs/AARightsNCConstitution8.pdf>

In this lesson from the North Carolina Civic Education Consortium, students will examine changes in African American voting rights throughout North Carolina's history. This lesson begins by reviewing key vocabulary. Students then independently research the history of African American voting rights in North Carolina using a primary source web quest or jig saw activity. Additional activities include administering a sample voting literacy test and having students create historical suffrage posters.

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## Notes

1. Each state receives seats in the House of Representatives based on its population. Before the Civil War, slaves were counted as three-fifths of a person for the purpose of determining a state's population and representation in Congress. This clause of the Fourteenth Amendment ended that practice. (With slavery already eliminated by the Thirteenth Amendment, this clause may not have been necessary.)
2. This clause punished states who disfranchised (took the vote from) African American men. If a state refused to allow any men over the age of 21 to vote, those men would not be counted in its population, and its representation in the U.S. House of Representatives would be reduced. The only reasons a person could be denied the right to vote is if he had supported the Confederacy and refused to take an oath of loyalty to the United States, or if he had committed a felony.

## About the author

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