HISTORICAL BACKGROUND

The Fourteenth Amendment, ratified in 1868, gave American citizenship to “all persons born or naturalized in the United States.” The amendment granted all citizens unspecified “privileges and immunities,” the right to “life, liberty, or property,” and “equal protection of the laws.”

While it provided the first constitutional definition of citizenship, it denied citizenship to American Indians. Moreover, the amendment did not guarantee citizens’ suffrage. Many in Congress believed that suffrage was a privilege and not a right and refused to give voting rights to women and those under the age of twenty-one. Although the amendment implicitly granted African American males suffrage, the protective provisions were so weak that Congress felt duty-bound to pass the Fifteenth Amendment that explicitly gave African Americans males the right to vote. The Fourteenth Amendment also proposed more federal oversight over cases of civil rights violations. This proposal, like much of the document, had limited effect. The Supreme Court, in the Slaughterhouse Cases and United States v. Cruikshank, stated that national rights did not apply in cases that dealt with state and local laws. For decades, politically marginalized Americans lived with the knowledge that the Fourteenth Amendment failed them.

For all its flaws, however, the amendment held out hope for future generations. In the twentieth century, Americans used the equal protection clause to demand equal educational opportunities, an equal right to police protection, equal property rights, and an equal right to free speech. This primary source set charts the use of the Fourteenth Amendment and argues that the amendment’s legacy lies in the constant evocation of a citizen’s right to equal protection.

TEACHING WITH PRIMARY SOURCES—MTSU

PRIMARY SOURCE SET:
The Legacy of the Fourteenth Amendment

SUGGESTIONS FOR TEACHERS

Before discussing the legacy of the Fourteenth Amendment, you may wish to refresh your students on the exact content of this amendment. Take a look at page six of the following lesson plan. Have your students read, complete, and discuss the Fourteenth Amendment worksheet.

This primary source set details instances where local, state, or federal officials denied civil rights to select groups of Americans in the 1860s, 1920s, 1940s, and 1960s. Given the large time frame covered in this source set, feel free to pull out photographs, illustrations, documents, and links as needed. Each time you use these sources, ask your students to identify how the Fourteenth Amendment is being violated. Ask them as well: why do certain groups get denied their civil rights and what are the perceived advantages and disadvantages of denying civil rights to another person or group?

The primary source set shows that the Fourteenth Amendment inhabits an important place in American jurisprudence. Diverse ethnic, racial, religious, and social groups constantly refer to it in political debates. Ask your students to continue the theme of this primary source set and find examples of current events that involve a person or group’s Fourteenth Amendment rights. If you need an example, look at the bottom of page three on this lesson plan.
The Fourteenth Amendment and Women’s Rights in the 1860s

The first convention dedicated to women’s rights occurred in Seneca Falls, New York in 1848. Conference attendees drew inspiration from the Declaration of Independence and wrote, in the famous “Declaration of Sentiments and Resolutions,” that “all men and women are created equal.” After this meeting, suffragettes began meeting regularly for their cause. Many women’s right advocates saw similarities between the women’s rights and abolition movements. Before the war, suffragettes supported abolition. When the Civil War started, however, abolition and “war work” took priority. After the Civil War, the Fourteenth Amendment equated citizenship and enfranchisement with being a male, and the Fifteenth Amendment enfranchised black men. Women would be forced to wait.

Additional Sources

- The Ouachita Telegraph (Monroe, LA) October 2, 1869 (Look at the middle of the sixth column)
- The Fayetteville Observer (Fayetteville, TN) January 10, 1867 (Look at the middle of the fifth column.)
- The Daily Ohio Statesman (Columbus, OH) January 30, 1869 (Look at the bottom of the second column.)
- The Evening Telegraph (Philadelphia, PA) November 27, 1869 (Look at the top of the first column.)
- Primary Source Set: Women’s Suffrage Movement Across America
- Lesson Plan: Civil Disobedience and the National Woman’s Party
- Lesson Plan: A More Perfect Union: Women’s Suffrage and the Constitution

The age of brass. Or the triumphs of woman's rights [1869, detail]
The Fourteenth Amendment and American Indians

The federal government granted American Indians sovereignty over tribal land. While autonomy seemed like a blessing, it offered many disadvantages. From the 1880s to the 1930s, Indian affairs fell under the Dawes Severalty Act. The Dawes Act attempted to force American Indians to become farmers and acclimate to mainstream (white) American culture. In 1928, the United States Secretary of the Interior organized the Meriam Commission to assess the success of the Dawes Act. The commission concluded that “past policies adopted...in dealing with the Indians have been of a type which, if long continued, would tend to pauperize any race.” By 1932, more than two-thirds of the lands American Indians owned before the passage of the Dawes Act had been sold off as “unclaimed land” by government officials. Yet, because American Indians held sovereignty over their lands, they could not be considered Americans citizens with access to the Fourteenth Amendment right to equal protection of the laws. American Indians did not receive citizenship until 1924. Many did not get the right to vote until the 1950s.

Additional Resources

- America’s Story: Congress Granted Citizenship to All Native Americans Born in the U.S.: June 2, 1924.
- Today in History: Indian Citizenship Act (Look for the link for the Meriam Commission)
- U.S Supreme Court, Elk v. Wilkins, 112 U.S. 94 (1884) (Courtesy of Justia) Ruled American Indians do not qualify for citizenship.
- S.2399 - Native Voting Rights Act of 2014
- Voices of Civil Rights, Online Exhibition (Boxes 18 and 19)
- Native Americans: Nineteenth Century Perceptions
- Native Americans: United States Citizenship for the Native American
- Primary Source Set: American Indians
THE FOURTEENTH AMENDMENT AND JAPANESE AMERICANS

Following the Japanese attack on Pearl Harbor in 1941, many Americans feared that Japanese Americans might become spies for their ancestral homeland. In order to prevent the possible betrayal of Japanese Americans, government officials moved 110,000 Japanese Americans to several internment camps in California. Two-thirds of those relocated were American-born citizens. These citizens had been told to leave their homes and jobs simply because of what they might do. According to journalist Carey McWilliams, “No charges had been filed against these people nor had any hearing been held.” The United States government violated Japanese Americans’ Fourteenth Amendment rights to property, due process of law, and equal protection. Many Japanese Americans remained in these camps for three years.

ADDITIONAL RESOURCES

- Born Free and Equal: Photographs of the Loyal Japanese-Americans at the Manzanar Relocation Center, Inyo County, California, by Ansel Adams (Look at pages 5, 19, 27, and 28.) PDF
- Teacher’s Guide Primary Source Set: Japanese American Internment

THE FOURTEENTH AMENDMENT AND THE CHICANO MOVEMENT

In the 1960s, Mexican Americans, called Chicanos, campaigned for their acceptance as American citizens. Poor migrant Chicanos received low wages and labored in poor working conditions. Anglo Americans discriminated against Chicanos in public and Chicano children attended segregated schools. Arizona-born Chicano Cesar Chavez formed the United Farm Workers (UFW) Union to challenge the poor working conditions on California farms. In 1965, Chavez’s UFW organized a strike against California grape producers that lasted five years and inspired a national boycott of California grapes. After years of struggle, state and federal officials gave Chicanos their long-awaited rights.

ADDITIONAL RESOURCES

- The Chicano Civil Rights Movement
- Agustín Lira and Alma [...] [2011] Lira wrote many of the protest songs of the Chicano Movement.
- School Desegregation for All Children: The Legacy of Méndez v. Westminster
- America’s Library: Cesar Chavez For more, see link.
- Mexican American Songs
- “Deportee (Plan Crash at Los Gatos)” For the song’s context, see link.
- Luis Omar Salinas (1937-2008) For more, see An Evening of Chicano Poetry

Sculpture located in César Chávez Plaza in downtown Sacramento, California's capital city, on the site of the old city plaza [2012]
THE FOURTEENTH AMENDMENT AND AFRICAN AMERICANS

Although the Fourteenth Amendment granted African Americans equal protection under the law, the Supreme Court’s 1896 decision in Plessy v. Ferguson claimed that as long as conditions, amenities, and opportunities remained equal, then the races could legally be physically separated from each other. Most white Americans emphasized the separateness more than the equality and African Americans soon saw their Fourteenth Amendment rights taken away from them. When the National Association for the Advancement of Colored People (NAACP) formed in the first decade of the twentieth century, one of the organization’s goals was to use the courts to fight for their civil rights as guaranteed under the Fourteenth Amendment. The Supreme Court overturned Plessy v. Ferguson in 1954 with the Brown v. Board decision. The NAACP and several other organizations capitalized on the Court’s ruling and began their fight to dismantle segregation. The successful passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968 guaranteed that African Americans would have their Fourteenth Amendment rights protected.

ADDITIONAL RESOURCES

- Letter form Associate Justice Stephen Fields to Chief Justice Salmon Chase concerning the Fourteenth Amendment [1870] See box three.
- Buchanan v. Warley See box seven.
- Brief of the Attorneys for the Plaintiffs in Brown v. Board of Education See box seven.
- Bill Mauldin's Support for Integration (Cartoon) See box thirty-five. Also see this link.
- Difficulty of Achieving Integration, 1960 (Cartoon) See box thirty-six. Also see this link.
- End of the Poll Tax See the first box.
- Testing the Civil Rights Act of 1964 See box five.
- The Fourteenth Amendment (Cartoon) See box twenty-six.
- Civil Rights Activist Purcell Conway Interviewed by Joseph Mosnier in 2011 See box ten. Conway emphasizes the protection of the police, who (for the first time) uphold the equal protection clause.
- Lesson Plan: Jim Crow and African American Discrimination
- Lesson Plan: Songs of the Labor Movement (talks about the civil rights song: “We Shall Overcome”) 
- Primary Source Set: The Civil Rights Movement in Tennessee
- Primary Source Set: Jim Crow In America
- Newsletter: Civil Rights (January 2012)

The Fourteenth Amendment and Women's Rights in 1860s


The Fourteenth Amendment and American Indians


The Fourteenth Amendment and Japanese Americans


The Fourteenth Amendment and the Chicano Movement


The Fourteenth Amendment and African Americans


