

## Fourteenth Amendment Close Reading Activity

NAME: \_\_\_\_\_

### Amendment XIV

Passed by Congress June 13, 1866. Ratified 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 to deny to any person within its jurisdiction the equal protection of the laws.

Questions to Consider after reading Section 1:

1. What does it mean to be a citizen?
2. What are specific privileges citizens enjoy in the United States?
3. Why would due process be an essential right for all citizens?
4. What type of equality is being guaranteed in Section 1? Political, social, economic, civil?
5. Why is there an emphasis on equal protection of the laws? Give some specific reasons from your knowledge of the period of Reconstruction to support your answer.

#### Section 5

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

Questions to Consider after reading Section 1:

1. Why is Congress given the power to enforce this amendment and not the states?
2. What are some implications of giving the federal government the power to enforce this amendment?

NAME: \_\_\_\_\_

**Excerpt from**  
**the Majority Opinion of the Supreme Court in the Decision of**  
***Korematsu v. United States***

**Decided on December 18, 1944**

**Writing for a six-person majority, with three justices dissenting, MR. JUSTICE BLACK delivered the opinion of the Court.**

It should be noted, to begin with, that all legal restrictions which curtail the civil rights of a single racial group are immediately suspect. That is not to say that all such restrictions are unconstitutional. It is to say that courts must subject them to the most rigid scrutiny. Pressing public necessity may sometimes justify the existence of such restrictions; racial antagonism never can. . . .

Executive Order No. 9066, 7 Fed. Reg. 1407 . . . issued after we were at war with Japan, declared that “the successful prosecution of the war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises, and national-defense utilities. . . .”

Korematsu was not excluded from the Military Area because of hostility to him or his race. He was excluded because we are at war with the Japanese Empire, because the properly constituted military authorities feared an invasion of our West Coast and felt constrained to take proper security measures, because they decided that the military urgency of the situation demanded that all citizens of Japanese ancestry be segregated from the West Coast temporarily, and, finally, because Congress, reposing its confidence in this time of war in our military leaders — as inevitably it must — determined that they should have the power to do just this.

Like curfew, exclusion of those of Japanese origin was deemed necessary because of the presence of an unascertained number of disloyal members of the group, most of whom we have no doubt were loyal to this country. It was because we could not reject the finding of the military authorities that it was impossible to bring about an immediate segregation of the disloyal from the loyal that we sustained the validity of the curfew order as applying to the whole group. In the instant case, temporary exclusion of the entire group was rested by the military on the same ground. . . .

We uphold the exclusion order as of the time it was made and when the petitioner violated it. Compulsory exclusion of large groups of citizens from their homes, except under circumstances of direst emergency and peril, is inconsistent with our basic governmental institutions. But when under conditions of modern warfare our shores are threatened by hostile forces, the power to protect must be commensurate with the threatened danger...

NAME: \_\_\_\_\_

**Excerpt from  
the Majority Opinion of the Supreme Court in the Decision of  
*Plessy v. Ferguson***

**Decided on May 18, 1896**

**Writing for a seven-person majority, with one justice dissenting, MR. JUSTICE BROWN delivered the opinion of the Court.**

By the Fourteenth Amendment, all persons born or naturalized in the United States and subject to the jurisdiction thereof are made citizens of the United States and of the State wherein they reside, and the States are forbidden from making or enforcing any law which shall abridge the privileges or immunities of citizens of the United States, or shall deprive any person of life, liberty, or property without due process of law, or deny to any person within their jurisdiction the equal protection of the laws.

The proper construction of this amendment was first called to the attention of this court in the *Slaughterhouse Cases*, which involved, however, not a question of race, but one of exclusive privileges. The case did not call for any expression of opinion as to the exact rights it was intended to secure to the colored race, but it was said generally that its main purpose was to establish the citizenship of the negro, to give definitions of citizenship of the United States and of the States, and to protect from the hostile legislation of the States the privileges and immunities of citizens of the United States, as distinguished from those of citizens of the States.

The object of the amendment was undoubtedly to enforce the absolute equality of the two races before the law, but, in the nature of things, it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality, or a commingling of the two races upon terms unsatisfactory to either. Laws permitting, and even requiring, their separation in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other, and have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police power. The most common instance of this is connected with the establishment of separate schools for white and colored children, which has been held to be a valid exercise of the legislative power even by courts of States where the political rights of the colored race have been longest and most earnestly enforced.

We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it. The argument necessarily assumes that if, as has been more than once the case and is not unlikely to be so again, the colored race should become the dominant power in the state legislature, and should enact a law in precisely similar terms, it would thereby relegate the white race to an inferior position. We imagine that the white race, at least, would not acquiesce in this assumption. The argument also assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured to the negro except by an enforced commingling of the two races. We cannot accept this proposition. If the two races are to meet upon terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other's merits, and a voluntary consent of individuals. ... [T]his end can neither be accomplished nor promoted by laws which conflict with the general sentiment of the community upon whom they are designed to operate. When the government, therefore, has secured to each of its citizens equal rights before the law and equal opportunities for improvement and progress, it has accomplished the end for which it was organized, and performed all of the functions respecting social advantages with which it is endowed.

Legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation. If the civil and political rights of both races be equal, one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane.

Connection to 14 <sup>th</sup> Amendment	Plessy	Both THIS IS WHERE YOUR SYNTHESIS SENTENCE MUST COME FROM	Korematsu
<p>Citizenship:</p> <p>"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."</p>			
<p>Equal Protection and Due Process:</p> <p>"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."</p>			

## Answer Key

Connection to 14 <sup>th</sup> Amendment	Plessy	Both THIS IS WHERE YOUR SYNTHESIS SENTENCE MUST COME FROM	Korematsu
<p><b>Citizenship:</b></p> <p>"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."</p>	<p>Homer Plessy was a citizen who was 1/8 black</p> <p>He was categorized as "black" in Louisiana, which meant that he had to sit in "blacks only" part of train</p>	<p>Both treated as less than citizens due to their race</p> <p>Both born and/or naturalized in the U.S. which according to 14<sup>th</sup> Amendment meant they were citizens</p>	<p><i>Nisei</i> and <i>Sansei</i> were people of Japanese descent born in the U.S. and thus they were citizens of the U.S.</p> <p><i>Issei</i> were people born in Japan but many of them were naturalized citizens of the U.S.</p> <p>They were forced into internment camps during World War II according to Executive Order 9066 because of their Japanese ancestry.</p>
<p><b>Equal Protection and Due Process:</b></p> <p>"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."</p>	<p>Plessy's equal protection was violated by segregation.</p> <p>He also did not receive the full privileges of citizenship.</p> <p>Court found it not in violation because "separate but equal."</p> <p>"We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it."</p>	<p>In both cases the court found due process and equal protection was not violated:</p> <p>Plessy court claims: it did not "stamp the colored race with a badge of inferiority"</p> <p>Korematsu court claims: "Korematsu was not excluded from the Military Area because of hostility to him or his race."</p>	<p>Korematsu was not provided equal protection because he was interned.</p> <p>He also was deprived of property and liberty without due process</p> <p>Court found it in violation but allowed by the Constitution due to war powers</p> <p>"Korematsu was not excluded from the Military Area because of hostility to him or his race. He was excluded because we are at war with the Japanese Empire, because the properly constituted military authorities feared an invasion of our West Coast and felt constrained to take proper security measures, because they decided that the military urgency of the situation demanded that all citizens of Japanese ancestry be segregated from the West Coast temporarily, and, finally, because Congress, reposing its confidence in this time of war in our military leaders — as inevitably it must — determined that they should have the power to do just this."</p>

<p>Other Historical Period: Example:</p> <p>Connection to argument:</p>		<p>Other Geographic area (U.S.): Example:</p> <p>Connection to argument:</p>
	Thesis for New South:	
<p>Other Geographic area (World): <b>Example:</b> Russian serfs had to rent from landowners similar to sharecropping. Dependence on sharecropping in South prevented economic growth, and serfs' tenancy in Russia led to economic stagnation and even famine. <b>Connection to argument:</b> Both the failures in the New South and the uneven results of Russian emancipation demonstrate that preventing previously oppressed groups from gaining full autonomy is not only morally wrong but can hold down the entire society economically.</p>		<p>Other Theme: Example:</p> <p>Connection to argument:</p>

**Model example to use with students:**

Thesis:

In the aftermath of the Civil War, some southern leaders advocated a “New South,” marked by a significant change in economics, namely focused on an increase in industrialization. On the other hand, many other southern leaders wanted to maintain an economy focused on agriculture. Ultimately, the “New South” advocates failed to achieve their vision due to race relations and romanticized ideas about the “Lost Cause.”

Synthesis:

By clinging to the “Lost Cause,” not allowing blacks to own land, and attacking those blacks who succeeded financially, the New South was not able to succeed. Although race was not an issue in the emancipation of the serfs in 1861 in Russia, the issue of landownership made the period after emancipation in Russia less successful, as well. Similar to the sharecropping system in the South, many Russian serfs had to rent land from landowners and many had no opportunity to own land, which led to economic strains, even famine, in Russia. Both the failures in the New South and the uneven results of Russian emancipation demonstrate that preventing previously oppressed groups from gaining full autonomy is not only morally wrong but can hold down the entire society economically.