

# 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.

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- 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.

# Justice John Marshall Harlan

In concluding his dissent, Harlan posited that there was in fact no distinction between state and private action writing, “...innkeepers, theatre owners, and those who offered transport” were agents or instrumentalities of the State because they are charged with duties to the public, and are amenable ... to government regulation.”

(Harlan quote taken from *Equal Protection: Rights and Liberties under the Law* by Francis Graham Lee, p. 24).

# Article IV

Section 4. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.



# Franklin D. Roosevelt

**Thirty-Second President**

1933-1945

“We refuse to leave the problems of our common welfare to be solved by the winds of change and the hurricane of disaster”



# Three methods of constitutional Interpretation

- Evolving Standards
- Suspect Scrutiny
- Demystification



# Empirical Reasoning

## Empirical Reasoning questions

- What?
- How?
- Who?
- Where?
- When?

## Speculation question

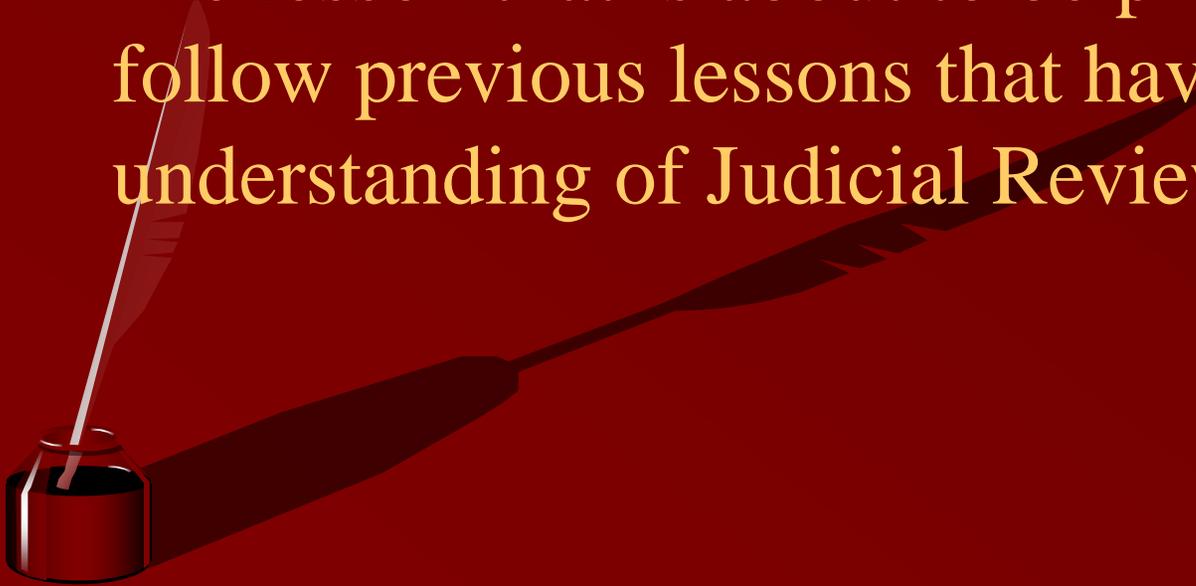
- Why?

Can not enter into lesson until you are able to answer the previous questions.

# Amendment XIV

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.

The lesson that is about to be presented, should follow previous lessons that have developed an understanding of Judicial Review for the student.



# Cases Contained in this Lesson

- *Marbury v. Madison* (1803)
- *Plessy v. Ferguson* (1896)
- *Powell v. Alabama* (1932)
- *Brown v. Mississippi* (1936)
- *United States v. Carolene Products* (1938)
- *Adamson v. California* (1947)



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# Interpreting the Constitution

- Look at the real words.
- Look at the context.
- Look for evidence of intent of the sponsors.
  - Where to find intent – letters, diaries, etc....

