

Module 7: Civil Rights and Civil Liberties

Topic 1 Content: Fourteenth Amendment

Introduction



Demi Tracy: Hello, America! Welcome to the show. The purpose of the Bill of Rights was to protect individuals and state governments by limiting the power of the federal government. This raises an important question: what protections does an individual have against an abuse of power by a state government? The short answer is, the Fourteenth Amendment. For a more thorough explanation of why and how, Jamie Madson is here with *The Constitutional Connection*.

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The Constitutional Connection

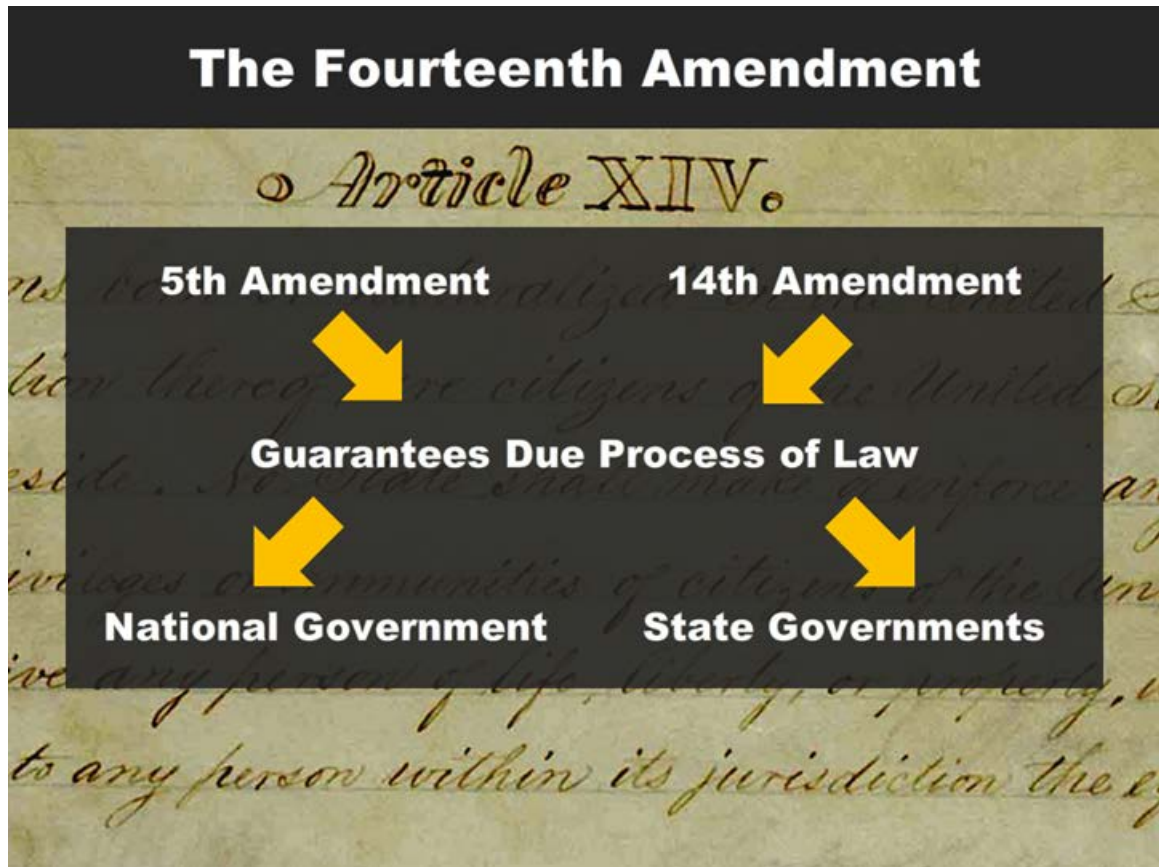


Jamie Madson: Thank you for joining me for another edition of *The Constitutional Connection*. The Fourteenth Amendment to the Constitution was passed by Congress and ratified shortly after the end of the American Civil War. The Thirteenth Amendment abolished slavery, but it did not establish what rights the people freed from bondage would receive. That was covered in the Fourteenth Amendment, which we will take a look at now.

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The Fourteenth Amendment



Jamie Madson: Section 1 of the Fourteenth Amendment of the U.S. Constitution states:

“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.”

The clause that reads no state shall “deprive any person of life, liberty, or property, without the due process of law,” became an important tool used by the Supreme Court, known as the due process clause. The key difference between this clause and the Fifth Amendment right to due process is that the Fourteenth Amendment specifically refers to state governments. It was initially used to help protect the rights of former slaves from being infringed upon by state governments, but it has grown beyond its original purpose.


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Due Process Clause

Due Process Clause

- The Supreme Court applied many of the Bill of Rights' limitations to the states.
- In *Chicago, Burlington & Quincy Railroad Company v. Chicago* (1897), the Court decided that the due process clause incorporated the right to fair compensation.
- This reasoning has been used to incorporate aspects of other amendments into the Fourteenth Amendment.



Next 

Jamie Madson: In the early 20th Century, the Supreme Court began to reason that in order to ensure due process, people must have certain essential protections. If a state government denies any of these protections, then due process of law cannot be guaranteed. By citing the Fourteenth Amendment's due process clause, the Supreme Court was able to apply many of the Bill of Rights' limitations to the states. This first occurred during the case of *Chicago, Burlington & Quincy Railroad Company v. Chicago* (1897). The Supreme Court's decision stated that the due process clause incorporated the right to fair compensation granted under the Fifth Amendment; therefore, if a state decides to confiscate private property it must fairly compensate the owner of the property. This reasoning has been used in many Supreme Court cases to incorporate aspects of other amendments into the Fourteenth Amendment.

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Incorporated Amendments

Incorporated Amendments				
I	II	III	IV	V
VI	VII	VIII	IX	X

Jamie Madson: Through different Supreme Court decisions, the First, Fourth, Sixth, and Eighth Amendments have been selectively incorporated under the due process clause. Some of these were incorporated one aspect at a time, over the course of several cases. For example, the Fifth Amendment has been incorporated, minus the aspect that requires a grand jury for indictment. Some other notable exceptions include the Second Amendment right to bear arms, the Third Amendment, the Seventh Amendment, and the Tenth Amendment. Despite this incorporation being selective, the Fourteenth Amendment and the due process clause have greatly increased the Court's ability to protect civil liberties and civil rights. Back to you, Glover and Demi.

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Ending of Episode



Demi Tracy: Nice work, Jamie. I want to thank you all for taking the time to tune in to this episode of WUSG News. Have a wonderful day.