

Civil war amendments to the constitution



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The American constitution has undergone twenty-seven amendments in over two centuries of its existence. In consideration of its age, Mathews (2001: 45) attributes its success to the relatively few amendments that have withstood the test of time and responded to many crises that have defined the American history to date. Mathews (2001: 47), argues that for any constitution to have a staying power, it should raise beyond the conventional law that basically relies on the simple majority in a given society. Moreover, a constitution should be flexible to respond to different crises and needs of the society, without losing its meaning. This feat is hardly attained by many constitutions across the globe. This paper expounds on the Civil War Amendments to the constitution. According to Bond (1997: 14), Civil War Amendments were made to address the welfare of African Americans in the United States. In particular, the amendments addressed the civil rights of African Americans and they marked the first attempts to accord equal rights to all American citizens, irrespective of their color, race and political affiliations. The Civil War Amendments to the constitutions are contained in the Thirteenth, Fourteenth and Fifteenth Amendments (Bond, 1997: 35). The Thirteenth amendment that was ratified shortly after the Confederates surrendered in Virginia legally abolished slavery, which had been practiced in the country for long periods, and it was one of the major points of contention in the civil war. According to, Hoemann (1987: 37) the Thirteenth Amendment was the culmination of the Emancipation Proclamation that had earlier been drafted to bequeath African Americans the freedom from enslavement. It was approved in the Congress on January 31 in 1865 and it was ratified eight months later in December 6 of the same year. This amendment consists of two sections (Maltz, 1990,: 45). The first section

declares that “ neither slavery nor involuntary servitude shall exist in the United States or in any place within their jurisdiction, except in circumstances where it is a punishment for crime where the party shall be convicted of” (Holzer, Harold, and Sara 2007: 61). The second section granted the congress the power to enforce the amendment using the appropriate legislation. On July 9, 1868, the Fourteenth Amendment to the constitution was ratified and it approved citizenship to “ all persons born or naturalized in the United States”(Bond, 1997, : 53) These included the African Americans who had acquired freedom after the abolishment of slavery three years earlier. This amendment also forbade the states from denying any person in the land “ freedom, life or property without following the stipulated legal process” or to deny any person within the jurisdiction of the state equal protection of the law (Darling, 1990: 29). The Fourteenth Amendment extended protection of civil rights further among all Americans by including and defining the role of state directly in the clause. This amendment is one of the most cited clauses in civil litigation in the country (Darling, 1990: 36). The Fifteenth Amendment gave African Americans the right to vote and participate in electoral processes in the United States (Mathews, 2001: 52). According to Gillette (1969: 41), the amendment declares that “ the right of American citizens to vote shall not be denied by the United States on the basis of color, race or previous state of slavery”. The amendment was ratified in 1870 but Mathews (2001: 75) notes that it was not enforced in the country until 1965, when African Americans in the southern states were granted the right to vote after the passage of the Voting Rights Act of 1965. References Berger, Raoul. The Fourteenth Amendment and the Bill of Rights. Norman: University of Oklahoma Press, <https://assignbuster.com/civil-war-amendments-to-the-constitution/>

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