



The Necessity of the 14th Amendment

Kira Jordan, Washington-Liberty High School

11th -12th grade/ two days

Introduction:

Students will use primary and secondary sources to answer the question: Why was passage of the 14th Amendment significant in securing the rights of African Americans following the Civil War? Students should have prior knowledge of Reconstruction before beginning the lesson.

Learning Objectives:

- Students will understand how Reconstruction policies were often rejected, ignored or manipulated to hurt rather than help African Americans.
- Students will understand the struggles of African Americans in the “New South” during Reconstruction.
- Students will be able to make an argument, supported by evidence, that answers a contextualized question.

Guiding Questions:

- Why is the 14th Amendment significant?
- What factors motivated the push for, and ratification of, the 14th Amendment?
- In what ways did the 14th Amendment impact African-American and minority rights in post-Civil War America?
- Why was passage of the 14th Amendment significant in securing the rights of African Americans following the Civil War?

Common Core Standards:

CCSS.ELA-LITERACY.RH.11-12.1: Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

CCSS.ELA-LITERACY.RH.11-12.7: Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.

CCSS.ELA-LITERACY.RH.11-12.2: Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas

The Necessity of the 14th Amendment

<https://www.fords.org/for-teachers/teaching-lincolns-assassination-legacy/the-necessity-of-the-14th-amendment/>

Materials:

- Timeline of Reconstruction
- Documents:
 - Timeline of Reconstruction (Document 1)
 - U.S. Constitution, Amendment 14, Section 1 (Document 2)
 - Excerpt from South Carolina Black Code (Document 3)
 - Excerpt from Carl Schurz’s “Report on the South” (Document 4)
 - Excerpt: Frederick Douglass’s Essay, “Reconstruction” from *The Atlantic Monthly*, December 1866 (Document 5)
- Writing worksheet

Procedures:

- **Lesson Activity One: Understanding the 14th Amendment**
 - Students will be introduced to the context of the 14th Amendment and its various protections.
- **Lesson Activity Two: Evaluating Reasons for the 14th Amendment**
 - Students will be introduced to the political, social, and economic situation of the U.S. (especially the South) between 1865-1870.
- **Lesson Activity Three: Argumentative Response**
 - Students will create a written argumentative response to the guiding question, “Why was passage of the 14th Amendment significant in securing the rights of African Americans following the Civil War?”

Lesson Activity One: Understanding the 14th Amendment

Individually, students will read through and annotate the text of the 14th Amendment, section 1, to gain an understanding of what the amendment guaranteed. As a class, led by the teacher, students will generate reasons as to why the amendment was needed following the Civil War. This should be an introductory assignment and be limited to 20 minutes for 11th and 12th grade students.

Lesson Activity Two: Evaluating Reasons for the 14th Amendment

Following Activity 1, students may work independently or in small groups to annotate and analyze each document. They should use the questions provided on the documents to assist in their understanding of the document and formulating an argument.

Alternatively, the teacher may want to assign small groups one of the documents to complete a “jigsaw” activity, with each group presenting their own document to the class. Students should focus on their own understanding of the document as it answers the guiding question for the lesson—what argument could they make, and what evidence within the text supports their view?

NOTE: For classes that are not on a block schedule, the first two activities should be completed in one 50 min. class period.

Lesson Activity Three: Argumentative Response

As a class, the teacher should review the documents to assist with formulating arguments to the guiding question and finding supporting evidence. Students will then complete a written response to the guiding question, making sure to complete an argument supported by evidence from the documents. Students should have at least 30 minutes to write a well-developed essay.

Assessment:

Working individually or as a pair:

- Students will prepare a written argument in the form of an essay answering the guiding question.
- If students are unfamiliar with this style of writing, they can prepare an oral argument, presented either in person or video/recorded or they can create a “broadside” poster in support of ratification of the 14th Amendment.



Document 1 Background information

Timeline of Reconstruction

Mintz, S., & McNeil, S. (2018). America's Reconstruction: People and Politics After the Civil War. *Digital History*.

<http://www.digitalhistory.uh.edu/exhibits/reconstruction/timeline.html>

January 1, 1863 Emancipation Proclamation issued.	July 21, 1868 14 th amendment ratified
November 8, 1864 Lincoln reelected President	November 3, 1868 Ulysses S. Grant elected President
March 3, 1865 Freedmen's Bureau established	1869 First redeemer government
April 8, 1865 Lee Surrenders at Appomattox	February 23, 1870 First black senator elected – Hiram Revels
April 15, 1865 President Abraham Lincoln assassinated	March 30, 1870 15 th amendment ratified
December 6, 1865 13 th amendment ratified	1871 42 nd Congress
December 6, 1865 Black codes enacted	1872 Freedmen's Bureau abolished
April 9, 1866 Civil Rights Act of 1866	1874 Democrats control the 43 rd Congress
May 1-3, 1866 Memphis Race Riot	March 1, 1875 Civil Rights Act of 1875 enacted
July 30, 1866 New Orleans Race Riot	1876 Heavily disputed Presidential election
July 30, 1866 Ku Klux Klan is founded in Tennessee	1876 Wade Hampton (confederate leader) elected governor of S. Carolina.
1867 Reconstruction Acts	1877 Rutherford B. Hayes elected President
March-May 1868 President Johnson impeachment trial	1877 Reconstruction ends

The Necessity of the 14th Amendment

<https://www.fords.org/for-teachers/teaching-lincolns-assassination-legacy/the-necessity-of-the-14th-amendment/>



Document 2

14th Amendment to the U.S. Constitution (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 deny to any person within its jurisdiction the equal protection of the laws.

Source: https://constitutioncenter.org/interactive-constitution/amendments/amendment-xiv?gclid=CjwKCAjwy_XaBRAWEiwApfjKHpbz7ZJ71DjTgW6bHgHEoyWyuWPIYoSpHx8kspM5-x8EpVQBUGmSUxoC3BsQAvD_BwE

What does the document say?

How does this support your argument?



Document 3

“Act to Establish and Regulate the Domestic Relations of Persons of Colour...” December 1865

Section 35. All persons of color who make contracts for service or labor, shall be known as servants, and those with whom they contract, shall be known as masters.

Section 48. Visitors or other persons shall not be invited or allowed by the servant to come or remain upon the premises of the master without his express permission.

Section 49. Servants shall not be absent from the premises without the permission of the master.

Section 52. For any acts or things herein declared to be causes for the discharge of a servant, or for any breach of contract or duty by him, instead of discharging the servant, the master may complain to the District Judge or one of the Magistrates, who shall have power, on being satisfied of the misconduct complained of, to inflict, or cause to be inflicted, on the servant, suitable corporal punishment, or impose upon him such pecuniary fine as may be thought fit, and immediately to remand him to his work; which fine shall be deducted from his wages, if not otherwise paid.

Section 72. No person of color shall pursue or practice the art, trade or business of an artisan, mechanic or shop-keeper, or any other trade, employment or business (besides that of husbandry, or that of a servant under a contract for service or labor,) on his own account and for his own benefit, or in partnership with a white person, or as agent or servant of any persons, until he shall have obtained a license therefore from the Judge of the District Court; which license shall be good for one year only.

What does the document say?

How does this support your argument?



Document 4

Excerpt from “Reconstruction” by Frederick Douglass, December 1866

The arm of the Federal government is long, but it is far too short to protect the rights of individuals in the interior of distant States. They must have the power to protect themselves, or they will go unprotected, spite of all the laws the Federal government can put upon the national statute-book.

Slavery, like all other great systems of wrong, founded in the depths of human selfishness, and existing for ages, has not neglected its own conservation. It has steadily exerted an influence upon all around it favorable to its own continuance. And today it is so strong that it could exist, not only without law, but even against law. Custom, manners, morals, religion, are all on its side everywhere in the South; and when you add the ignorance and servility of the ex-slave to the intelligence and accustomed authority of the master, you have the conditions, not out of which slavery will again grow, but under which it is impossible for the Federal government to wholly destroy it...

Source: Lowcountry Digital History Initiative College of Charleston

http://ldhi.library.cofc.edu/exhibits/show/after_slavery_educator/unit_three_documents/document_eight

What does the document say?

How does this support your argument?

The Necessity of the 14th Amendment

<https://www.fords.org/for-teachers/teaching-lincolns-assassination-legacy/the-necessity-of-the-14th-amendment/>



Document 5

Carl Schurz, "Report on Condition of the South" December 1865

The number of murders and assaults perpetrated upon negroes is very great; we can form only an approximative estimate of what is going on in those parts of the south which are not closely garrisoned, and from which no regular reports are received, by what occurs under the very eyes of our military authorities. As to my personal experience, I will only mention that during my two days sojourn at Atlanta, one negro was stabbed with fatal effect on the street, and three were poisoned, one of whom died...

So far, the spirit of persecution has shown itself so strong as to make the protection of the freedman by the military arm of the government in many localities necessary—in almost all, desirable. It must not be forgotten that in a community a majority of whose members is peaceably disposed, but not willing or not able to enforce peace and order, a comparatively small number of bold and lawless men can determine the character of the whole.

Source: <https://www.theatlantic.com/magazine/archive/1866/12/reconstruction/304561/>

What does the document say?

How does this support your argument?



Necessity of the 14th Amendment Rubric

	4	3	2	1
Argument	Provides a clear and concise argument that answers the guiding question.	Provides a somewhat clear argument that answers the guiding question.	Provides a poor and/or ambiguous argument in answer to the guiding question.	No argument is presented in answer to the guiding question.
Examples	Provides at least two detailed examples that support the argument	Provides at least two examples to support the argument, but may not be detailed	Provides only one example to support the argument, which may be missing details.	Does not provide any examples to support the argument.
Total Points /8	Comments, Suggestions, Questions:			