

Fourteenth Amendment ^[1]

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Fourteenth Amendment

by William H. Pruden III, 2006

The [Fourteenth Amendment](#) ^[2], ratified on 28 July 1868 as one of the "Reconstruction amendments," added to the U.S. Constitution such fundamental principles as citizenship and equal protection under the law-rights that had been included in the Civil Rights Act of 1866, which the states of the former Confederacy had resisted. Guaranteeing the rights and privileges of full citizenship for all former slaves, the Fourteenth Amendment continues to serve as the basis of all [civil rights](#) ^[3] claims.

The Fourteenth Amendment was not well received in North Carolina, but given the unusual circumstances of the [Reconstruction era](#) ^[4], there was nothing the state's former power structure could do about it. Passed by a Congress dominated by Radical [Republicans](#) ^[5], the amendment was in part a response to the U.S. Supreme Court's pre-Civil War *Dred Scott* decision as well as the South's postwar intransigence regarding black citizenship. The institution by North Carolina and other states of restrictive black codes in the aftermath of the war also prompted Radical leaders to pass the amendment.

The South's resistance to the Fourteenth Amendment only prodded the Radicals to take stronger federal action. Indeed, riding high after their victories in the congressional elections of 1866, they quickly passed the Reconstruction Act of 1867. Under this act, North Carolina and South Carolina became part of Military District Number Two, which was eventually headed by Gen. E. R. S. Canby. The law required that a convention be called to write a new state constitution guaranteeing black suffrage. Provisions for the selection of delegates to the [convention](#) ^[6] allowed for greatly expanded black involvement while limiting that enjoyed by whites. Predictably, the document produced by the delegates featured a liberal Bill of Rights and new guarantees of black rights as well as universal male suffrage for whites and blacks.

The first election under the new North Carolina Constitution took place in April 1868. It was a hard-fought and bitter contest won overwhelmingly by the Republicans. When the new government convened in July, the legislature quickly ratified the Fourteenth Amendment and elected two Republican U.S. senators. Canby turned over control of the government to newly elected governor [William W. Holden](#) ^[7], a onetime Democratic leader whose views had changed with the times. With the ratification of the Fourteenth Amendment and the approval by Congress of the [Constitution of 1868](#) ^[8], North Carolina returned with little enthusiasm to the Union it had left seven years before.

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Additional Resources:

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Authors:

Pruden, William H., III ^[18]

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