

Lesson 45: Amendments 13-16

(Less. Time 52:30)

[for Sunday, Feb 21, & 28, 2016]

Reading: *The Making of America*, pages 719-743

(Chapter 30) Amendments 13-16

Pre-lesson questions for homework study and review: [*Supplemental* notes are bracketed]
[287 Constitution Provisions “principles” in text.]

1. IN LIGHT OF THE EMANCIPATION PROCLAMATION, WHY WAS THE **THIRTEENTH** AMENDMENT THOUGHT TO BE NECESSARY? (PAGE 720)

[60 yrs no amendments 11th -12th, slavery issue was brewing during them though]

249 – Prohibits slavery (13)

- Emancipation Proclamation covered only areas in rebellion [not all jurisdictions]
- It was really an executive order. Did Lincoln really have the authority?

2. WHAT EXCEPTION DOES THE THIRTEENTH AMENDMENT MAKE REGARDING INVOLUNTARY SERVITUDE? (720)

250 – Convicts may be help in involuntary servitude

3. WHAT GRANT OF POWER IS CONTAINED IN THE THIRTEENTH AMENDMENT? **251 – Congress to enforce these provisions**

- Congress can pass any law to carry out these provisions
- Originally limited to fed-states relations

HOW HAS THIS POWER BEEN BROADENED IN RECENT YEARS? (721)

- Changed to fed-individual relations by Civil Rights legislation in the 1960s

4. TO WHOM DID THE **FOURTEENTH** AMENDMENT GRANT THE PRIVILEGES OF STATE AND NATIONAL CITIZENSHIP?

252 – All persons born or naturalized in US are citizens (14)

WHY WAS THIS THOUGHT TO BE NECESSARY AFTER THE CIVIL WAR? (721-22)

- Continued abuses of former slaves
 - forbidden to come into town
 - forbidden to own land
 - excluded from some occupations
 - not permitted to give testimony in court
 - heavy fines for vagrancy [typical for former slaves]

5. WHICH PART OF THE FOURTEENTH AMENDMENT MERELY REPEATS A PROVISION IN ARTICLE IV, SECTION 2, OF THE CONSTITUTION?

253 – States forbidden to abridge privileges belonging to all citizens

- Repeats Art IV, Section 2

CAN YOU GIVE EXAMPLES OF PRIVILEGES AND IMMUNITIES ON THE FEDERAL LEVEL? (722)

- Applies to fed privileges not state privileges

254 – No punishment by states without due process

- Repeat of 5th Amendment

6. WHICH PROVISION IN THE FOURTEENTH AMENDMENT IS REPEATED FROM THE FIFTH AMENDMENT? (723)

255 – No state to deny persons equal protection of the law

- Federal graduated income tax violates this law

7. WHAT PROVISION IN THE FOURTEENTH AMENDMENT HAVE THE FEDERAL COURTS USED AS A BASIS FOR USURPING NEW FEDERAL POWER? (723)

256 – Congress apportioned by actual number

8. WHAT CONSTITUTIONAL PRINCIPLE REGARDING APPORTIONMENT OF REPRESENTATIVES AND TAXATION WAS ABOLISHED BY THE FOURTEENTH AMENDMENT? (724)

- Eliminates counting slaves as 3/5 of a person

9. UNDER WHAT CONDITION WERE AMERICAN INDIANS STILL TO BE EXCLUDED AS VOTING CITIZENS? (724)

257 – For representation, census not to include non-taxpaying Indians

- 1924 All Indians made full citizens

10. HOW DID THE FOURTEENTH AMENDMENT PENALIZE A STATE THAT PREVENTED FORMER SLAVES FROM VOTING? (725)

258 – Reduced representation for states who refuse to let some vote

- Representation reduced by same percentage as those denied to vote
- Drafted out of revenge and anger
- Never utilized

11. WHAT PROVISION IN THE FOURTEENTH AMENDMENT DEMONSTRATED THE VINDICTIVENESS OF CONGRESSIONAL LEADERS TOWARD THE SOUTH? **259 – Oath taking rebels not eligible to hold public office**

- Taken oath to uphold public Constitution
- Then joined the rebellion
- Unable to hold public office
- May be allowed by 2/3 vote of Congress
- South deprived of strong leaders for years

HOW DID PRESIDENT ANDREW JOHNSON COUNTER THIS ACTION? (725-26) [He granted a full pardon, 'unconditional and without reservation,' to anyone and everyone 'in the Southern Cause,' Christmas Day after the July 9, 1868 Proclamation.]

12. HOW DID THE FOURTEENTH AMENDMENT REGARD THE VALIDITY OF UNION DEBTS? (726)

260 – US debts during Civil War not to be questioned

- No claims were to be questioned!
- Did it make some wealthy?

13. HOW DID THE FOURTEENTH AMENDMENT REGARD THE VALIDITY OF CONFEDERATE DEBTS? (726-27)

261 – All Confederate debts and obligations are null and void

- Wiped out \$1.4 billion in debt
- Economy suffered for years as a result

14. WERE FORMER SLAVE OWNERS ALLOWED TO CLAIM A LOSS DUE TO A LACK OF DUE PROCESS OR THE LACK OF COMPENSATION? (727)

262 – No claim allowed for loss of slaves

- No do process

15. WHY HAS THE FOURTEENTH AMENDMENT RESULTED IN SO MUCH EXPANSION OF FEDERAL POWER? (727)

263 – Congress to enforce provisions

16. WHAT DID THE FIFTEENTH AMENDMENT ACCOMPLISH? (728)

264 – Right to vote not to be denied because of race or previous servitude (15)

17. EXPLAIN HOW SLAVERY STEMS FROM THE DARKER SIDE OF HUMAN NATURE.

Nature of Slavery: ■ Inclination to live by sweat of another's brow

■ Other forms of slavery: - high interest rates - paying a miserly wage

IS IT PRIMARILY A RACIAL PROBLEM? (728-29) [-It is a "human" problem]

18. DESCRIBE EFFORTS TO ELIMINATE SLAVERY BEFORE 1793. [Thomas Jefferson formulated a plan to end it. It was also later proven to be financially unsound (they consumed 90% of that they produced!)] WHAT HAPPENED TO REVERSE THIS DEVELOPMENT? (729)

[Eli Whitney's invention of the Cotton gin reignited the cotton industry, & thus slavery.]

19. SUMMARIZE THE MAIN POINTS MADE BY PULITZER PRIZE-WINNING HISTORIAN FRED ALBERT SHANNON IN HIS STORY OF AMERICAN SLAVERY. (729-737)

[Founding fathers like Patrick Henry & Edmund Randolph encouraged black participation in colonial army, but the southern economy reduced the sound principles of the north into mere 'rhetoric,' so the battle endured long thereafter.]

20. WHAT SPECIFIC CONSTITUTIONAL PROVISION WAS CHANGED BY THE SIXTEENTH AMENDMENT? (738) **265 – Congress to tax based on income(16)**

■ 1900s – "Soak the rich" prevailed

21. BRIEFLY RECOUNT THE HISTORY OF THE SIXTEENTH AMENDMENT. (738-39)

■ The rich in both parties didn't want it but was politically unpopular to oppose it

■ Tried to force the other to support it in order to embarrass them

■ Plan: Let states reject it ■ Backfired! The states ratified it!

■ "Makes a nation of liars" [They are greatly tempted to under report income.]

22. DID THIS AMENDMENT REALLY "SOAK THE RICH:" AS ITS ADVOCATES CLAIMED IT WOULD? (739-40) Facts about income taxes

■ Does not "soak the rich" at all [it soaks the middle class]

- they put their money into tax-exempt foundations [which were formed before the income tax amendment was ever made]

23. WHAT DEVICE INTRODUCED IN 1913 HAS SHIFTED THE INCOME-TAX BURDEN FROM THE WEALTHY TO THE MASSES? (740-41)

■ Needed "withholding" to enforce [to see how much tax withheld in year all at once would cause revolt]

24. ENUMERATE THE WEAKNESSES OF A NATIONAL INCOME-TAX SYSTEM. (741-42)

■ Violates privacy of the people (4th Amendment)

25. WHAT HAS A FORMER COMMISSIONER OF THE IRS ADMITTED ABOUT THE COLLECTION OF INCOME TAXES? (742)

■ Opposed by former IRS leader [(quote IRS Head 1950s)]

26. HOW COULD WE IMPLEMENT A BETTER SYSTEM OF TAXATION? (742-43)

■ Better way is national sales tax [all people taxed evenly]

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QUIZ - LESSON 45

1. THE 13TH AMENDMENT PROHIBITS _____.
2. WHY WASN'T [THE] LINCOLN EMANCIPATION PROCLAMATION GOOD ENOUGH?

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3. GIVE TWO PROVISIONS OF THE 14TH AMENDMENT.

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4. NAME TWO WAYS THE 14TH AMENDMENT PUNISHED THE SOUTH.

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5. THE 14TH AMENDMENT SHIFTS MUCH POWER FROM THE _____ TO THE _____ GOVERNMENT.

IT MAKES THE FEDERAL GOVERNMENT A _____ OVER THE _____

6. THE FIFTEENTH AMENDMENT GUARANTEES ALL MALES THE _____.

7. THE SIXTEENTH AMENDMENT WAS INTRODUCED AS A WAY TO _____ THE OTHER PARTY TO OPENLY VOTE AGAINST A " _____ -THE- _____ " PHILOSOPHY, WHICH WOULD HAVE EMBARRASSED THEM.

8. THOSE WHO INTRODUCED IT DID NOT WANT IT AND FELT THE _____ WOULD DEFEAT IT.

9. WHY DOES THE INCOME TAX NOT REACH THE SUPER-WEALTHY?

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10. ENFORCING THE 16TH AMENDMENT REALLY VIOLATES THE _____ AMENDMENT.

11. THE 16TH AMENDMENT WAS EVEN OPPOSED BY A FORMER _____ COMMISSIONER.

12. WHAT IS A BETTER WAY FOR THE FEDERAL GOVERNMENT TO RAISE REVENUE FROM THE PEOPLE?
