

# Law Day 2017: 14TH Amendment

## LAW DAY

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Law Day, held annually on May 1, is a national day set aside to celebrate the rule of law. Law Day underscores how law and the legal process contribute to the freedoms that all Americans share and also provides an opportunity to recognize the role of courts in a constitutional democracy.

## 14th Amendment: The Text and Its Application

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The text of the Fourteenth Amendment is often cited by litigators, civil rights activists, constitutional scholars, and, of course, judges. Here, we take a look at the most cited clauses and offer avenues to explore how they have shaped our constitutional understanding and our everyday experiences. Law Day 2017 gives us a unique opportunity to look at the text of the amendment and explore its origins, evolution, and current application.

### The Citizenship and the Privileges or Immunities Clauses

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*All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States...*

The first sentence of the Fourteenth Amendment generally confers legal citizenship on all persons born in the United States and indicates that whether natural-born or naturalized, they are citizens of both the United States and the state in which they live. This simple statement transformed a divided nation coming out of the shadow of the Civil War and a legacy of slavery. The second sentence of Section 1 of the amendment, the privileges or immunities clause, prohibits states from infringing rights of U.S. citizens. Since the [Slaughter-House Cases of 1873](#), however, the federal courts have narrowly interpreted these rights.



### The Due Process Clause

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*...nor shall any State deprive any person of life, liberty, or property, without due process of law;*

The due process clause of the Fourteenth Amendment requires state and local governments to administer fair and just legal proceedings. The clause provides a safeguard against arbitrary laws or unjust court proceedings. As courts, judges, and constitutional scholars have studied the clause, two aspects of due process have emerged: procedural and substantive. Procedural due process generally refers to those procedures that guarantee a fair trial before an individual can be deprived of life, liberty, or property, such as the right to a jury, the right to confront witnesses, and the right to a speedy trial. Substantive due process is a principle allowing courts to protect individuals from government interference of certain rights deemed fundamental, such as the right to privacy and the right to marry.

### The Equal Protection Clause

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*...nor deny to any person within its jurisdiction the equal protection of the laws.*

The equal protection clause of the Fourteenth Amendment prohibits states from discriminating against individuals or groups and advances constitutional equality.