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## **The United States Constitution 14<sup>th</sup> Amendment The Equal Protection Clause Citizenship Rights**

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Sadly, today you read almost daily of violations and encroachments against our Constitution and Bill of Rights. This is being by our own government leaders in federal, state and local communities. The president is governing by Executive Orders to bypass Congress going way beyond the authority of the Executive Branch. Congress has the power through the purse to use to reign in any out of control branch of government, yet they would rather call each other names than govern. His president as well as past ones is using the EPA as a Fourth Branch of Government with police powers and they are so out of control you can't keep up with it. If America does not wake up, educate themselves and become proactive on what legal rights they have there will no longer be an America as it was founded and intended to be.

**Classic example of current violations of the Fourteenth Amendment (*and many others as well*);** Obamacare is now the Law of the Land. Congress cannot exempt themselves and force the citizens to bear the burden of this misplaced law. The government cannot exempt certain businesses over the rest of citizens that own businesses from any component of the law. Both are being done today and these are only two examples out of many.

**“Freedom And Not Servitude Is The Cure Of Anarchy; As Religion, And Not Atheism, Is The True Remedy For Superstition.”**

**Edmund Burke**

The Fourteenth Amendment was and is an affirmation, confirmation, authentication, evidence and verification of our Republic under the Laws of the Constitution linked to the Declaration of Independence. I do not have a law degree so this is based on a degree of “common sense”. This is by no means an exhausted study of the Fourteenth Amendment, but an overview of Section 1 and as I always state in all cases please study and research on your own to understand and verify what actually happened and the Founders intent.

The Founders did not create our American government and documents for only a selective few to read and understand anymore than God created the Bible for just a select few to understand. He created for all mankind to read, understand and apply to life. This is why we are a “Republic Under God”

***Educated People Will Not Be Bound By Oppression and Slavery***

Before we start, this statement must and always rule when discussing our Constitution and Rule of Law:

“If Any Bill Or Ruling Of Any Court Including The **Supreme Court**, Including And Especially **‘Precedent’** Conflicts With The Constitution Then **‘The Constitution Always Must Rule’** ”

**“[T]he Constitution ought to be the standard of construction for the laws, and that wherever there is an evident opposition, the laws ought to give place to the Constitution. But this doctrine is not deducible from any circumstance peculiar to the plan of convention, but from the general theory of a limited Constitution.”**

Alexander Hamilton 1788 Constitutional Interpretation  
Reference: Hamilton, Federalist No. 81 (482)

“If it be asked, What is the most sacred duty and the greatest source of our security in a Republic? The answer would be, An inviolable respect for the Constitution and Laws - the first growing out of the last. . . . A sacred respect for the constitutional law is the vital principle, the sustaining energy of a free government.”

Alexander Hamilton 1794 Essay in American Daily Advertiser

## **Background**

The 14th Amendment to the Constitution was ratified on July 9, 1868, and granted citizenship to “all persons born or naturalized in the United States,” which included former slaves recently freed. In addition, it forbids states from denying any person "life, liberty or property, without due process of law" or to "deny to any person within its jurisdiction the equal protection of the laws." By directly mentioning the role of the states, the 14th Amendment greatly expanded the protection of civil rights to all Americans and is cited in more litigation than any other amendment. (*Source: Library of Congress*)

### **Amendment 14 - Citizenship Rights. Ratified 7/9/1868.**

**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.

## **Overview**

### **[All Text Bracketed Comments Mine]**

### **Amendment 14 - Citizenship Rights. Ratified 7/9/1868.**

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 [*reduce, abbreviate*] the privileges or immunities [*exemption, protection*] of citizens of the United States;

nor shall any State deprive [*take away, remove, rob*] any person [*human being, a corporation*] of life, liberty, or property [here is a clear example of the Declaration of Independence precedent. Lawmakers drew on these most important clauses in the DOI: “*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain Unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.*”]

**[“Unalienable Rights” Our “Rights” are Unalienable Rights which cannot be taken away. This is found in the Constitution, Bill of Rights and subsequent Amendments. The Bill of Rights, the Fourteenth as well as the Thirteenth and Fifteenth Amendments, finds its justification in the Declaration of Independence Principles; the Thirteenth Amendment, abolishing slavery, "that all Men are created equal, that they are endowed by their Creator with certain Unalienable Rights", and the Constitution, Bill of Rights and subsequent Amendments, “that among these are Life, Liberty and the Pursuit of Happiness.”**

**The fact that the Founders included “Property” is evidenced not only by their written statements (quotations), but by the Bill of Rights itself.**

**All of the original governing principles set forth in the Declaration reaffirms the binding characteristics which are also evidenced by incorporating them into the Constitution and Bill of Rights through Article VII of Government By Consent.**

#### **ARTICLE VII Clause 1**

**“The Ratification of the Conventions of nine States shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.”**

This clearly recognizes that the unanimous consent of those at the Constitutional Convention was recorded in the year of "the independence of the United States of America the twelfth." This reaffirms that the United States began in 1776, not 1787, and that the Constitution and the Declaration are indivisible as a matter of Principle and our Rule Of Law.]

, without **due process** of law; [“The Constitution states only one command twice. The Fifth Amendment says to the federal government that no one shall be "deprived of life, liberty or property without due process of law." The Fourteenth Amendment, ratified in 1868, uses the same eleven words, called the Due Process Clause, to describe a legal obligation of all states. These words have as their central promise an assurance that all levels of American government must operate within the law ("legality") and provide fair procedures; (Cornell Law School University LII) ]

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

[This Right, guaranteed by the Fourteenth Amendment to the U.S. Constitution, to be treated the same, legally, as others in the same situation. It prohibits states from denying any person within its jurisdiction the equal protection of the laws. In other words, the laws of a state must treat an individual in the same manner as others in similar conditions and circumstances. The equal protection clause is not intended to provide "equality" among individuals or classes but only "**equal application**" of the laws.

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**Remember, the Constitution does not give us our rights and liberties it only guarantees them. The people had all their rights and liberties before they made the Constitution**

**State Law vs. Federal Law; State Law vs. the Constitution; Federal Law vs. the Constitution  
America’s Law of the Land, the Rule of Law, all government and all citizens are under the Constitution.**

**Limited Government; Enumerated Powers**

**Dred Scott Decision**

*In the Dred Scott decision of 1857, the Supreme Court had said that African-Americans were not citizens. This amendment declared that every person born or naturalized in the U.S. was a citizen.*

*The amendment's "due process" clause has had enormous constitutional importance, since the Supreme Court has used it to apply most of the Bill of Rights to the states.*

*The amendment also establishes that all citizens are entitled to "equal protection of the laws," the provision which the Supreme Court cited in Brown v. Board of Education in 1954, ruling school segregation unconstitutional.*

[Congress Shall not exempt Themselves POTUS SCOTUS or any government personnel from Law of the Land 14<sup>th</sup> Amendment Equal Protection Clause]

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*(Taylor E. Hoynes, Jr. has written and published "Republic Or Democracy, Is There A Difference?". This inclusive 700 page collection of history focuses on the founding of America and provides the reader an exhaustive collection of information, quotations and documents.*

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*Also, an Ebook of documents and overview of the Founders titled "Our Founding Documents, Then And Now"*

**Section 2.** Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being *twenty-one* years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

**Section 3.** No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

**Section 4.** The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

**Section 5.** The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

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