

The Fourteenth Amendment to the United States Constitution and the evolution of its influence as a result of judicial interpretation

Abstract

The thesis analyzes the Fourteenth Amendment to the United States Constitution and the changes in its understanding resulting from its interpretation by the Supreme Court of the United States throughout the years since the ratification of the Amendment. The thesis discusses every section of the Fourteenth Amendment, but the highest attention is dedicated to its most significant first section and the clauses contained in it; the citizenship clause, the privileges or immunities clause, the due process clause and the equal protection clause. The debates of the 39th Congress are discussed as well, as they offer an insight to the original understanding of the terms used in the text of the Amendment and allow to understand the context of its origin. The evolution of the Amendment's influence is then analyzed through a number of historical eras that reflect the ever-changing composition of the Court and the decisions stemming from it.

The thesis tries to outline the most likely original meaning of the Amendment's clauses and compare it to their interpretation by the Supreme Court which makes it possible to observe the Amendment's gradually growing influence on American society. While it can be reasonably assumed that during the times of the passing and ratification of the Amendment its objective was fairly limited, reflecting the post-war political reality in the United States, during the decades following ratification the Amendment started to be applied to issues that until then had been completely in the hands of the legislatures and depending on the democratic discussion on both federal and state level. This has led a number of authors to doubt the legitimacy of the Court, the jurisprudence of which in this matter sometimes gets labeled as even "activist". The authors quoted in this thesis can not be assigned to just one method of interpretation and legal philosophy, to the contrary, the thesis aims to confront different views on the Amendment and its original meaning and based on it reach a conclusion; therefore both the view of the Amendment as limited, held for example by professors Charles Fairman and Raoul Berger and the perspective that sees its objectives as broader, represented for example by professors Michael Kent Curtis and Randy Barnett, are mentioned.

Keywords

Fourteenth Amendment, United States Constitution, Supreme Court, interpretation