

## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.5 Primary Source

### THADDEUS STEVENS, SPEECH INTRODUCING THE FOURTEENTH AMENDMENT (1866)

View the document on the National Constitution Center's website [here](#).

#### SUMMARY

On May 8, 1866, Thaddeus Stevens delivered this speech introducing the 14th Amendment in the U.S. House of Representatives. The leader of the Radical Republicans in the House, Stevens was a lawyer, politician, and staunch abolitionist. As a politician in Pennsylvania, he supported free public education and suffrage for African Americans. He also offered his home as a stop on the Underground Railroad. As a leader in Congress, Stevens fought to end slavery and promote civil rights and racial equality. He served on the Joint Committee on Reconstruction and chaired the powerful House Ways and Means Committee. In this speech, Stevens called on his colleagues to support the proposed 14th Amendment—arguing that it would help to bring about legal equality for African Americans. However, he also urged his colleagues to remember the crimes of the Confederacy.

#### Excerpt

**Some Members of Congress think that the Joint Committee on Reconstruction is moving too slowly.** The [members of the Joint Committee on Reconstruction] are not ignorant of the fact that there has been some impatience at the delay in making this report . . . .

**But Congress tasked the committee with reconstructing the nation and setting new constitutional baselines for post-Civil War America; this is difficult work; above all, we are trying to write the Declaration of Independence's promise of freedom and equality into the Constitution.** But I beg gentlemen to consider the magnitude of the task which was imposed upon the committee. They were expected to suggest a plan for rebuilding a shattered nation—a nation which though not dissevered was yet shaken and riven by the gigantic and persistent efforts of six million able and ardent men; of bitter rebels striving through four years of bloody war. It cannot be denied that this terrible struggle sprang from the vicious principles incorporated into the institutions of our country. Our fathers had been compelled to postpone the principles of their great Declaration, and wait for the full establishment till a more propitious time. That time ought to be present now. But the public mind has been educated in error for a century. How difficult in a day to unlearn it. In rebuilding, it is necessary to clear away the rotten and defective portions of the old foundations, and to sink deep and found the repaired edifice upon the firm foundation of eternal justice. If, perchance, the accumulated quicksands render it impossible to reach in every part so firm a basis, then it becomes our duty to drive deep and



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solid the substituted piles on which to build. It would not be wise to prevent the raising of the structure because some corner of it might be founded upon materials subject to the inevitable laws of mortal decay. It were better to shelter the household and trust to the advancing progress of a higher morality and a purer and more intelligent principle to underpin the defective corner.

**This amendment is not perfect, but I'm willing to support it; I will take what I can get now.**

I would not for a moment inculcate the idea of surrendering a principle vital to justice. But if full justice could not be obtained at once I would not refuse to do what is possible. The commander of an army who should find his enemy intrenched on impregnable heights would act unwisely if he insisted on marching his troops full in the face of a destructive fire merely to show his courage. Would it not be better to flank the works and march round and round and besiege, and thus secure the surrender of the enemy, though it might cost time? The former course would show valor and folly; the latter moral and physical courage, as well as prudence and wisdom. . .

**Stevens paraphrases key parts of Section 1 of the 14th Amendment.** The first section, prohibits the States from abridging the privileges and immunities of citizens of the United States, or unlawfully depriving them of life, liberty, or property, or of denying to any person within their jurisdiction the "equal" protection of the laws.

**This amendment realizes the promise of the Declaration of Independence and gives Congress the power to attack discriminatory laws in the states like the Black Codes.** I can hardly believe that any person can be found who will not admit that every one of these provisions is just. They are all asserted, in some form or other, in our DECLARATION or organic law. But the Constitution limits only the action of Congress, and is not a limitation on the States. This amendment supplies that defect, and allows Congress to correct the unjust legislation of the States, so far that the law which, operates upon one man shall operate equally upon all.

**With this amendment, laws must treat African Americans the same as white Americans.**

Whatever law punishes a white man for a crime shall punish the black man precisely in the same way and to the same degree. Whatever law protects the white man shall afford "equal" protection to the black man. Whatever means of redress is afforded to one shall be afforded to all. Whatever law allows the white man to testify in court shall allow the man of color to do the same. These are great advantages over their present codes. Now different degrees of punishment are inflicted, not on account of the magnitude of the crime, but according to the color of their skin. Now color disqualifies a man from testifying in courts, or being tried in the same way as white men. I need not enumerate these partial and oppressive laws. Unless the Constitution should restrain them, those States will all, I fear, keep up this discrimination and crush to death the hated freedmen.

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**The Civil Rights Act of 1866 already attacks laws like the Black Codes; but a future Congress filled with ex-Confederates can get rid of that law; we need to write these protections into the Constitution to avoid this fate and protect future generations; we must ratify this amendment before we readmit the ex-Confederate states.** Some answer, "Your civil rights bill (the Civil Rights Act of 1866) secures the same things." That is partly true, but a law is repealable by a majority. And I need hardly say that the first time that the South with their copperhead allies obtain the command of Congress it will be repealed. The veto of the President and their votes on the bill are conclusive evidence of that. And yet I am amazed and alarmed at the impatience of certain well-meaning Republicans at the exclusion of the rebel States until the Constitution shall be so amended as to restrain their despotic desires. This amendment once adopted cannot be annulled without two thirds of Congress. That they will hardly get. And yet certain of our distinguished friends propose to admit State after State before this becomes a part of the Constitution. What madness! Is their judgment misled by their kindness; or are they unconsciously drifting into the haven of power at the other end of the avenue? I do not suspect it, but others will.

**\*Bold sentences give the big idea of the excerpt and are not a part of the primary source.**



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