

The birth of the Reconstruction Amendments



Almost a century after American colonists secured their freedom from England, internal conflict surrounding the legitimacy of slavery forced our still-evolving nation to evaluate

its core values in a “struggle over the meaning of democracy itself,” according to Akhil Reed Amar, a Yale law professor who delivered the 100th Sibley Lecture in October.

He added that the ensuing conflict resulted in a package of “Reconstruction Amendments” to the U.S. Constitution, establishing equal citizenship and fundamental civil rights to all persons born in America.

The secession of Southern states in response to the election of anti-slavery proponent Abraham Lincoln sparked a series of events that brought about the end of slavery more rapidly and more absolutely than Lincoln himself ever expected, Amar continued.

In fact, “had slavocrats continued to play the game as they had been playing it prior to 1860 ... slavery would probably have continued for at least another half-century, even had Lincoln and his new party managed to accomplish all they realistically hoped for and more in his constitutionally guaranteed four years,” Amar said.

Though Lincoln supported the end of slavery, even he had projected that it was a process that would take 100 years to realize. His plan was to gradually phase out slavery, beginning by outlawing its spread into new territories, compensating voluntary emancipation efforts and hoping that eventually anti-slave states would hold sway over a majority of the nation, causing the tide to turn.

Instead, the secession of Southern states, the service of black soldiers in the Union Army, and a recognition of blacks as a strong potential constituency for the newly-formed

Republican Party all helped bring about “immediate, uncompensated and universal abolition” via the 13th Amendment and a recognition that black citizens had earned a right to vote via the 15th Amendment.

Further, as a condition of re-entry into the Union, Congress imposed on ex-Confederate States, a condition that they also ratify the 14th Amendment, “ensuring state compliance with American-style republicanism.”

Over the span of just one decade, the U.S. Constitution was transformed from a document that was largely structured to support the system of slavery to one that decidedly prohibited it.

“Rarely in history have canons backfired so explosively,” Amar said.

A former editor of the *Yale Law Journal*, Amar joined the faculty at his alma mater in 1985 where he is the Southmayd Professor of Law. Prior to that, Amar served as a judicial clerk to Judge Stephen G. Breyer, then of the U.S. Circuit Court of Appeals for the First Circuit. His book *The Bill of Rights: Creation and Reconstruction* was awarded the prestigious American Bar Association Certificate of Merit and the Yale University

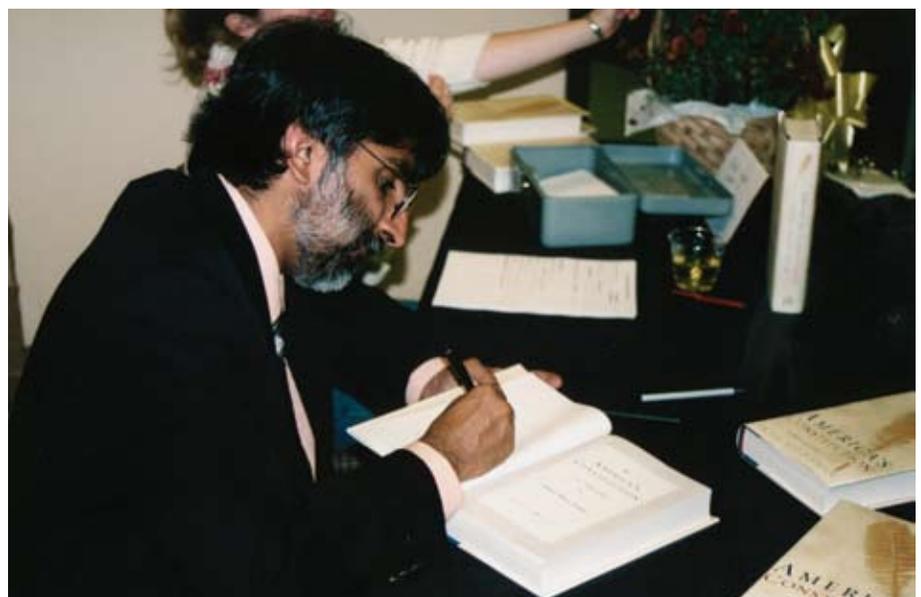
Press Governor’s Award.

Amar is widely published, having co-authored a leading constitutional law casebook and authored or co-authored three other books. His latest book, *America’s Constitution: A Biography*, provided the basis for his Sibley presentation.

The Sibley Lecture series is sponsored by the Charles Loridans Foundation in honor of the life and work of John A. Sibley, a 1911 Georgia Law graduate. Sibley is noted for his successful efforts at ushering in a largely peaceful transition to racially integrated public schools in Georgia. He also played a key role in fund raising for Hirsch Hall, the building in which the law school is primarily housed.

Dean Rebecca H. White applauded the success of the series at bringing outstanding scholars to the law school each year and at promoting the intellectual exchange of ideas. White noted that in its 100 lectures, the series has attracted notable figures such as Earl Warren, Antonin Scalia, Ruth Bader Ginsburg, Harry A. Blackmun and Richard A. Posner.

- By second-year law student Allison Pruitt



The 100th Sibley lecturer, Akhil Amar, signs a copy of his recent book *America’s Constitution: A Biography* for one of the lecture’s attendees.