



The Thirteenth Amendment and American Freedom

A LEGAL HISTORY

Alexander Tsesis

The Thirteenth Amendment And American Freedom The Thirteenth Amendment And American Freedom

**Mark Tushnet, Mark A. Graber, Sanford
Levinson**



The Thirteenth Amendment And American Freedom The Thirteenth Amendment And American Freedom:

The Thirteenth Amendment and American Freedom Alexander Tsesis, 2004 In this narrative history and contextual analysis of the Thirteenth Amendment slavery and freedom take center stage Alexander Tsesis demonstrates how entrenched slavery was in pre Civil War America how central it was to the political events that resulted in the Civil War and how it was the driving force that led to the adoption of an amendment that ultimately provided a substantive assurance of freedom for all American citizens The story of how Supreme Court justices have interpreted the Thirteenth Amendment first through racist lenses after Reconstruction and later influenced by the modern civil rights movement provides insight into the tremendous impact the Thirteenth Amendment has had on the Constitution and American culture Importantly Tsesis also explains why the Thirteenth Amendment is essential to contemporary America offering fresh analysis on the role the Amendment has played regarding civil rights legislation and personal liberty case decisions and an original explanation of the substantive guarantees of freedom for today's society that the Reconstruction Congress envisioned over a century ago

The Thirteenth Amendment and American Freedom Alexander Tsesis, 2004-12-12 Tsesis explains why the 13th Amendment is essential to contemporary America offering a fresh analysis of the role the Amendment has played regarding civil rights legislation

Story of American Freedom Eric Foner, 1999-09-07 Freedom is the cornerstone of his sweeping narrative that focuses not only congressional debates and political treatises since the Revolution but how the fight for freedom took place on plantation and picket lines and in parlors and bedrooms

Wise Church Scot McKnight, Daniel J. Hanlon, 2021-03-31 Wise Church is about rethinking church cultures so they become more of a wisdom culture The topics vary as widely as church life itself letter writing as pastoral care the work life of congregants evangelism music church economics spiritual formation as the pursuit of wisdom racial justice marriage learning how to teach like Jesus gospeling like the apostles and the wise use of social media These studies are by pastors and scholars pondering wisdom but more than that they are pondering the life we all live in a wise way We and our churches need wisdom not simply because we live in an ever changing world but because the God we worship is himself wise Wise church cultures reflect the wisdom of God back into the world a world looking for wisdom With contributions from Jeff Bannman Jeremy Berg Brandon Evans Pete Goodman David Johnston Ernest F Ledbetter III Julie Murdock Joshua Little John M Phelps Ivan Ramirez Bill D Shiell

Encyclopedia of U.S. Labor and Working-class History Eric Arnesen, 2007 Publisher Description

Lincoln and the Thirteenth Amendment Christian G. Samito, 2015-08-24 This book examines how Lincoln's opposition to amending the Constitution evolved during his political career shaped his policies leading up to his election as president and culminated in his support for the Thirteenth Amendment in 1864-65 It also places into context Lincoln's support of the Amendment for moral political and wartime reasons and shows how Lincoln helped shape the constitutional debate about slavery

Going Soft? The US and China Go Global Mei Renyi, 2014-04-11 What is soft power How can a country acquire and enjoy it Is it the product of

public or private initiatives How significant is soft power in world affairs The concept of soft power the idea that international success depends not just upon weaponry force and military coercion but also on admiration and respect for a country s culture and way of life is winning ever greater global attention As China enjoys ever increasing heft on the global scene many Chinese officials seek to emulate the past success of the United States in dominating the world not simply militarily but in terms of influence and prestige Most are very conscious that soft power can be extremely valuable in terms of supplementing and boosting their country s military and strategic position but are often uncertain as to how to deploy the instruments of propaganda and cultural diplomacy most effectively The essays in this volume largely written by scholars based in mainland China represent an extended effort to debate and assess the theoretical concept of soft power and just what it means and how it works in practice The authors focus upon the practical impact and implications of soft power in diverse settings and situations in the United States past and present How they ask does soft power relate to issues of religion gender race and social equality at home and abroad What do American elections and political rhetoric do for American soft power Will China succeed in rivalling the United States in power whether hard soft or smart And how will soft power feature in US China relations present and future

Abolition and Antislavery Peter Hinks, John McKivigan, 2015-07-14 The clearly and concisely written entries in this reference work chronicle the campaign to end human slavery in the United States bringing to life the key events leading figures and socioeconomic forces in the history of American antislavery abolition and emancipation The struggle to abolish human slavery is one of the most important reform campaigns in history The eventual success of this decades long struggle serves as an inspiring example that even the most deeply rooted social wrongs can be corrected This valuable reference work details the history of antislavery abolition and emancipation to illustrate the various forms of these forces and the courses they followed in the bitterly contested struggle against the institution of slavery affording readers the most current compendium of the diverse scholarship of this important historical topic Geared toward readers seeking to learn about antislavery and abolition in U S or African American history Abolition and Antislavery A Historical Encyclopedia of the American Mosaic addresses a period of particular significance the years that shaped the sectional debates leading up to the Civil War The coverage encompasses both white abolitionists such as Theodore Dwight Weld and William Lloyd Garrison and black abolitionists such as Frederick Douglass Martin Delaney and Sojourner Truth Each alphabetically organized entry contains cross references as See Also at the end of each entry text An introductory essay ensures that all readers have a clear framework for understanding the subject regardless of their previous background knowledge

The Oxford Handbook of the U.S. Constitution Mark Tushnet, Mark A. Graber, Sanford Levinson, 2015-07-31 The Oxford Handbook of the U S Constitution offers a comprehensive overview and introduction to the U S Constitution from the perspectives of history political science law rights and constitutional themes while focusing on its development structures rights and role in the U S political system and culture This Handbook enables readers within and beyond the U S to develop a

critical comprehension of the literature on the Constitution along with accessible and up to date analysis The historical essays included in this Handbook cover the Constitution from 1620 right through the Reagan Revolution to the present Essays on political science detail how contemporary citizens in the United States rely extensively on political parties interest groups and bureaucrats to operate a constitution designed to prevent the rise of parties interest group politics and an entrenched bureaucracy The essays on law explore how contemporary citizens appear to expect and accept the exertions of power by a Supreme Court whose members are increasingly disconnected from the world of practical politics Essays on rights discuss how contemporary citizens living in a diverse multi racial society seek guidance on the meaning of liberty and equality from a Constitution designed for a society in which all politically relevant persons shared the same race gender religion and ethnicity Lastly the essays on themes explain how in a globalized world people living in the United States can continue to be governed by a constitution originally meant for a society geographically separated from the rest of the civilized world Whether a return to the pristine constitutional institutions of the founding or a translation of these constitutional norms in the present is possible remains the central challenge of U S constitutionalism today

The Promises of Liberty Alexander Tsesis, 2010-09-30 In these original essays America's leading historians and legal scholars reassess the ratification of the Thirteenth Amendment and its relevance to issues of liberty justice and equality The Thirteenth Amendment abolished slavery in the United States reasserting the radical egalitarian dimensions of the Constitution It also laid the foundations for future civil rights and social justice legislation Yet subsequent reinterpretation and misappropriation have curbed more substantive change With constitutional jurisprudence undergoing a revival The Promises of Liberty provides a full portrait of the Thirteenth Amendment and its potential for ensuring liberty The collection begins with Pulitzer Prize winning historian David Brion Davis who discusses the failure of the Thirteenth Amendment to achieve its framers objectives The next piece by Alexander Tsesis provides a detailed account of the Amendment's revolutionary character James M McPherson another Pulitzer recipient recounts the influence of abolitionists on the ratification process and Paul Finkelman focuses on who freed the slaves and President Lincoln's commitment to ending slavery Michael Vorenberg revisits the nineteenth century's understanding of freedom and citizenship and the Amendment's surprisingly small role in the Reconstruction and post Reconstruction periods William M Wiecek shows how the Supreme Court's narrow interpretation once rendered the guarantee of freedom nearly illusory and the collection's third Pulitzer Prize winner David M Oshinsky explains how peonage undermined the prohibition against compulsory service Subsequent essays relate the Thirteenth Amendment to congressional authority hate crimes legislation the labor movement and immigrant rights These chapters analyze unique features of the amendment along with its elusive meanings and affirm its power to reform criminal and immigration law affirmative action policies and the protection of civil liberties

Marginal Workers Ruben J. Garcia, 2013-09-13 Undocumented and authorized immigrant laborers female workers workers of color guest

workers and unionized workers together compose an enormous and diverse part of the labor force in America Labor and employment laws are supposed to protect employees from various workplace threats such as poor wages bad working conditions and unfair dismissal Yet as members of individual groups with minority status the rights of many of these individuals are often dictated by other types of law such as constitutional and immigration laws Worse still the groups who fall into these cracks in the legal system often do not have the political power necessary to change the laws for better protection In *Marginal Workers* Ruben J Garcia demonstrates that when it comes to these marginal workers the sum of the law is less than its parts and despite what appears to be a plethora of applicable statutes marginal workers are frequently lacking in protection To ameliorate the status of marginal workers he argues for a new paradigm in worker protection one based on human freedom and rights

Hidden Laws Robinson Woodward-Burns, 2021-06-29 How state constitutional reform guides and stabilizes American constitutional and political development State constitution reform guides and stabilizes American constitutional and political development Using data sets and historical case studies Robinson Woodward Burns shows how the federal government has repeatedly deferred to state constitutional reform to manage or address difficult national constitutional controversies including conflicts over the regulation of slavery banking and taxation women s suffrage labor and welfare rights voting and civil rights and gender discrimination

Slaves of the State Dennis Childs, 2015-02-27 The Thirteenth Amendment to the United States Constitution passed in 1865 has long been viewed as a definitive break with the nation s past by abolishing slavery and ushering in an inexorable march toward black freedom *Slaves of the State* presents a stunning counterhistory to this linear narrative of racial social and legal progress in America Dennis Childs argues that the incarceration of black people and other historically repressed groups in chain gangs peon camps prison plantations and penitentiaries represents a ghostly perpetuation of chattel slavery He exposes how the Thirteenth Amendment s exception clause allowing for enslavement as punishment for a crime has inaugurated forms of racial capitalist misogynist incarceration that serve as haunting returns of conditions Africans endured in the barracoons and slave ship holds of the Middle Passage on plantations and in chattel slavery Childs seeks out the historically muted voices of those entombed within terrorizing spaces such as the chain gang rolling cage and the modern solitary confinement cell engaging the writings of Toni Morrison and Chester Himes as well as a broad range of archival materials including landmark court cases prison songs and testimonies reaching back to the birth of modern slave plantations such as Louisiana s Angola penitentiary *Slaves of the State* paves the way for a new understanding of chattel slavery as a continuing social reality of U S empire one resting at the very foundation of today s prison industrial complex that now holds more than 2.3 million people within the country s jails prisons and immigrant detention centers

Encyclopedia of Constitutional Amendments, Proposed Amendments, and Amending Issues, 1789-2015 John R. Vile, 2015-07-20 Now in its fourth edition and completely updated this is the most comprehensive book on constitutional amendments and proposed amendments available Although only 27 amendments have

ever been added to the U S Constitution the last one having been ratified in 1992 throughout American history members of Congress have introduced more than 11 000 amendments and countless individuals outside of Congress have advanced their own proposals to revise the Constitution the wellspring of America s legal political and cultural foundations At a time when calls for a new constitutional convention are on the rise it is essential for students of political science and history as well as American citizens to understand proposed alternatives This updated edition of the established standard for high school and college libraries as well as public and law libraries serves as the go to reference for learning about existing constitutional amendments proposed amendments and the issues related to them An alphabetically arranged two volume set it contains more than 500 entries that discuss amendments that have been proposed in Congress from 1789 to the present It also discusses prominent proposals for extensive constitutional changes introduced outside Congress as well as discussions of major amending issues

Feminist Judgments: Rewritten Property Opinions Eloisa C. Rodriguez-Dod, Elena Maria Marty-Nelson, 2021-10-28 Reimagines fundamental property law cases to demonstrate how a feminist lens could impact the law s development

Enforcing Equality Rebecca E Zietlow, 2006-10 In *Enforcing Equality* Rebecca E Zietlow assesses Congress s historical role in interpreting the Constitution and protecting the individual rights of citizens provocatively challenging conventional wisdom that courts not legislatures are best suited for this role Specifically focusing on what she calls rights of belonging a set of positive entitlements that are necessary to ensure inclusion participation and equal membership in diverse communities Zietlow examines three historical eras Reconstruction the New Deal era and Civil Rights era of the 1960s She reveals that in these key periods when rights of belonging were contested and defined Congress has played the role of protector of rights at least as often as the Supreme Court has adopted this role *Enforcing Equality* also engages in a sophisticated theoretical analysis of Congress as a protector of rights comparing the institutional strengths and weaknesses of Congress and the courts as protectors of the rights of belonging With the recent new appointments to the Supreme Court and Congressional elections in November 2006 this timely book argues that individual rights are best enforced by the political process because they express the values of our national community and as such litigation is no substitute for collective political action

Lyman Trumbull and the Second Founding of the United States Paul M. Rego, 2022-08-19 The Civil War and Reconstruction periods in United States history are widely viewed as a second founding of the nation one that sought to bring the American regime into better alignment with the aspirations articulated at the first founding Among the figures involved in shaping this new start for the American republic Lyman Trumbull played an instrumental role As the chairman of the influential Senate Judiciary Committee Trumbull advanced the most important legislation of both the Civil War and Reconstruction including the First and Second Confiscation Acts the Habeas Corpus Act of 1863 the 1866 Freedmen s Bureau Act and the Military Reconstruction Acts Most significantly he was the principal author and driver of the Thirteenth Amendment which abolished slavery permanently throughout the United States On the basis of

the Thirteenth Amendment he also authored the Civil Rights Act of 1866 the nation's first civil rights law which protected the fundamental rights of all Americans regardless of race color or previous condition of servitude Despite being arguably the greatest legislative architect of America's second founding Trumbull later turned his back on the Reconstruction that he helped initiate Worried that Reconstruction was going too far and lasting too long he eventually embraced a rigid and uncompromising view of states rights rejecting his own previous defense of the national government's ultimate power and responsibility to secure the privileges and immunities of US citizenship Paul Rego's study of Trumbull's political and constitutional thought is a much needed exploration of this key figure in Civil War and Reconstruction history Like the framers of the first founding Trumbull was complex and contradictory a symbol of both the nation's rebirth and its lost promise as responsible for the period's disappointments as he was for its triumphs This is a long overdue book on one of the forgotten framers of the United States Lyman Trumbull and the Second Founding of the United States examines the political and constitutional thought of Trumbull Understanding Trumbull is essential to a comprehensive understanding of American political and legal development especially during the Civil War and Reconstruction *A House Divided* Jonathan Daniel Wells, 2012-03-15 The Civil War is one of the most defining eras of American history and much has been written on every aspect of the war The volume of material available is daunting especially when a student is trying to grasp the overall themes of the period Jonathan Wells has distilled the war down into understandable easy to read sections with plenty of maps and illustrations to help make sense of the battles and social political and cultural changes of the era Presented here is information on the home front the battles both in the East and the West the status of slaves women's role in the war and its aftermath literature and public life international aspects of the war and much more Students will also find helpful study aids on the companion website for the book *A House Divided* provides a short readable survey of the Civil War and the Reconstruction period afterward focusing not only on the battles but on how Americans lived during a time of great upheaval in the country's history and what that legacy has meant to the country today The Forgotten Emancipator Rebecca E. Zietlow, 2018 Zietlow explores the ideological origins of Reconstruction and the constitutional changes in this era through the life of James Mitchell Ashley Enforcing the Equal Protection Clause William D. Araiza, 2016 For over a century Congress's power to enforce the Fourteenth Amendment's guarantee of the equal protection of the laws has presented judges and scholars with a puzzle What does it mean for Congress to enforce such a wide ranging open ended provision when the Supreme Court has insisted on its own superiority in interpreting the Fourteenth Amendment In *Enforcing the Equal Protection Clause* William D Araiza offers a unique understanding of Congress's enforcement power and its relationship to the Court's claim to supremacy when interpreting the Constitution Drawing on the history of American thinking about equality in the decades before and after the Civil War Araiza argues that congressional enforcement and judicial supremacy can co exist but only if the Court limits its role to ensuring that enforcement legislation reasonably promotes the core

meaning of the Equal Protection Clause Much of the Court s equal protection jurisprudence stops short of stating such core meaning thus leaving Congress free subject to appropriate judicial checks to enforce the full scope of the constitutional guarantee Araiza s thesis reconciles the Supreme Court s ultimate role in interpreting the Constitution with Congress s superior capacity to transform the Fourteenth Amendment s majestic principles into living reality The Fourteenth Amendment s Enforcement Clause raises difficult issues of separation of powers federalism and constitutional rights Araiza illuminates each of these in this scholarly timely work that is both intellectually rigorous but also accessible to non specialist readers

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