

THE SECOND FOUNDING

In *The Second Founding: An Introduction to the Fourteenth Amendment*, Ilan Wurman provides an illuminating introduction to the original meaning of the Fourteenth Amendment's famous provisions "due process of law," "equal protection of the laws," and the "privileges or immunities" of citizenship. He begins by exploring the antebellum legal meanings of these concepts, from Magna Carta, the Statutes of Edward III, and the Petition of Right to William Blackstone and antebellum state court cases. The book then traces how these concepts solved historical problems confronting the framers of the Fourteenth Amendment, including the comity rights of free blacks, private violence and the denial of the protection of the laws, and the notorious abridgment of freedmen's rights in the Black Codes. Wurman makes a compelling case that if the modern originalist Supreme Court were to interpret the Amendment in "the language of the law," it would lead to surprising and desirable results today.

Ilan Wurman is Associate Professor of Law at the Sandra Day O'Connor College of Law at Arizona State University, where he teaches constitutional law. He is the author of *A Debt against the Living: An Introduction to Originalism* (Cambridge University Press, 2017), and he publishes on administrative law and constitutional law in the nation's leading law journals.

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AN INTRODUCTION TO THE FOURTEENTH AMENDMENT

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To the members of the Thirty-Ninth Congress;
may your work not be forgotten.

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Acknowledgments

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But perhaps the most thanks go to the members of the Thirty-Ninth Congress, those framers of the Fourteenth Amendment: they gave us an improvement to the eternal firmament of the U.S. Constitution, without which the Constitution would have had to be abandoned long ago. We today are truly indebted to their achievement.

NOTE ON THE COVER

The image, published in *Harper's Weekly* in 1867, illustrates the first time the newly freed men voted after the abolition of slavery. Although the Fourteenth Amendment did not guarantee their right to vote—only the Fifteenth Amendment, ratified in 1870, would so guarantee—these newly freed men were instrumental in electing and serving as delegates to new state constitutional conventions under the reconstruction governments in the South. The new state legislatures constituted under these new constitutions would supply the final votes needed for ratification of the Fourteenth Amendment.