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HOUSE JOINT RESOLUTION NO. 86
AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules
on February 28, 2018)

(Patron Prior to Substitute—Delegate Carr)

Commemorating the 150th anniversary of the passage of the Fourteenth Amendment to the United States Constitution.

WHEREAS, 150 years have passed since the Fourteenth Amendment to the United States Constitution was ratified on July 9, 1868, granting citizenship to "all persons born or naturalized in the United States" and requiring equal protection under the law for all persons within states' jurisdiction; and

WHEREAS, the first Africans in what would become the United States are recorded to have arrived in 1619 to the Jamestown settlement, where they were enslaved, marking the beginning of nearly 250 years of slavery in the British colonies and in the new nation and expanding the reach of the already existing Atlantic slave trade; and

WHEREAS, in declaring independence from Great Britain, the nation's founders asserted in the United States Declaration of Independence "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness," and yet despite this founding principle, the institution of slavery and denial of basic human rights continued; and

WHEREAS, the Supreme Court ruled in 1857 in *Dred Scott v. Sandford* that Dred Scott, an African American enslaved man, was not a citizen of the United States and could not sue for his freedom, and that a person of African descent, whether born free or formerly enslaved, could not be a citizen of the United States; and

WHEREAS, this decision and the outcry it provoked were contributing factors in the outbreak of the American Civil War, which from 1861 to 1865 engulfed the nation in violent turmoil; and

WHEREAS, the Thirteenth Amendment to the United States Constitution, ratified on December 6, 1865, formally encoded the abolition of slavery into the nation's founding document; and

WHEREAS, the subsequent adoption of the Fourteenth Amendment forbade states to "deprive any person of life, liberty, or property, without due process of law" or to "deny to any person within its jurisdiction the equal protection of the law," thereby guaranteeing such persons rights that had been denied to them based on their race or previous condition of servitude; and

WHEREAS, the Fourteenth Amendment's equal protection and due process clauses serve as the basis for requiring equal treatment to all by state governments and for barring arbitrary and capricious decisions by state governments; and

WHEREAS, the rights provided by the Fourteenth Amendment, though legally granted, have been repeatedly encroached upon and have been continually fought for and won by those who resist oppression and who work to awaken society to its injustices; and

WHEREAS, the Fourteenth Amendment has served as a basis for landmark Supreme Court decisions, including the 1954 *Brown v. Board of Education* decision in which the doctrine of "separate but equal" was ruled unconstitutional and the desegregation of public schools was mandated, leading to the full racial integration of the Commonwealth's public colleges and universities; and

WHEREAS, the Fourteenth Amendment has served as a basis for the full integration of the sexes in the Commonwealth's public colleges and universities for the benefit of both sexes through Supreme Court decisions including the 1982 *Mississippi University for Women v. Hogan* and 1996 *United States v. Virginia* decisions; and

WHEREAS, the Fourteenth Amendment has served as a basis for landmark Supreme Court decisions, including the 1967 *Loving v. Virginia* decision in which the United States Supreme Court declared that the amendment "requires that the freedom of choice to marry not be restricted by invidious racial discriminations," thereby deeming bans on interracial marriage unconstitutional; and

WHEREAS, the Fourteenth Amendment has served as the basis for requiring states to provide equal voting rights for all citizens through Supreme Court decisions, including the 1962 *Baker v. Carr* and 1964 *Reynolds v. Sims* decisions, thereby enabling Virginians to choose their representatives of choice, including those serving in this House of Delegates and State Senate;

WHEREAS, the Fourteenth Amendment marks a significant victory in a centuries-long fight for freedom and continues to lay a foundation for extending fundamental rights to all persons within the United States; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the 150th anniversary of the passage of the Fourteenth Amendment to the United States Constitution hereby be commemorated; and be it

SENATE SUBSTITUTE

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60 RESOLVED FURTHER That the Clerk of the House of Delegates transmit a copy of this resolution
61 to the Superintendent of Public Instruction, the Chairman and Executive Director of the State Council of
62 Higher Education for Virginia, the Chancellor of the Virginia Community College System, the Executive
63 Director of the Virginia State Conference NAACP, and the Executive Director of the American Civil
64 Liberties Union of Virginia, requesting that they further disseminate copies of this resolution to their
65 respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in
66 this matter.