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Will Smith [00:00:14] What do you think about when you think of America? What words come to mind? Justice, freedom, equality? What about citizenship. The fabric of America is held together on the threads of these powerful ideas. People have fought and died over the definitions of these words. But what do they really mean? Every day as Americans, we are standing on the legacy of this fight and we are challenged in every moment to live up to the promise of these ideals.

Archival [00:01:19] Of the 14th Amendment, of the Constitution. We want the 14th Amendment to apply to women.

Will Smith [00:01:25] The 14th Amendment is cited in more litigation than any other amendment. From its ratification to today, its relevance has never wavered, and yet we barely know it exists.

Sherrilyn Ifill (President, NAACP Legal Defense Fund) [00:01:37] What astounds me is that average ordinary Americans are unabashed about talking about their First Amendment rights. There are Americans for whom the Second Amendment that seems to be the most important to them. And yet most of how we think about ourselves as Americans. Most of what we're proudest of and most of the ways in which we believe we are free are embedded in the 14th Amendment.

Will Smith [00:02:03] So when I learned about it, I just had to tell you, this is why we're here. To tell our story, to tell its story, the story of the 14th Amendment. The 14th Amendment, it's OK if you don't know it by heart, but it is the center of the promise of America. And it goes something like this if you're born in the United States, you're a citizen. Pretty simple, right? And under the law, everyone in America gets this thing called equal protection. That means we all have the same rights and the same legal protection. And no one can take those away without due process. That's your day in court. So basically, the 14th Amendment says we're all equal players on the same team. And as simple as that sounds, it's revolutionary. It's what the American dream is made of.

Mai Ngai (Professor, Columbia University) [00:03:13] Were it not for the 14th Amendment. I would not be a citizen of the United States.

Jim Obergefell (Civil Rights Activist) [00:03:19] Without the 14th Amendment, marriage equality probably still wouldn't exist.

Khiara Bridges (Professor, UC Berkeley) [00:03:24] I am married to a white man which would not at all be possible without the 14th Amendment.

Eric Foner [00:03:30] The fundamental promise that the 14th Amendment presents to us is the promise of a society of equals.

Will Smith [00:03:38] Growing up in Philly, my family was no stranger to the inequalities in this country. But despite their struggles, my parents and grandparents believed wholeheartedly in the promise of America. And I've seen firsthand how the 14th Amendment lays out the path towards the American dream. At the heart of the 14th Amendment is the definition of citizenship in America. It is through this definition that all

the rights we cherish are granted and defended. To tell this story, we've got to go back to a time before the 14th Amendment existed, before slavery was abolished in America. We begin with one man, Frederick Douglass. Now, you may have heard his name before, but he is so much more than his killer fro. Frederick Douglass is born into slavery at a time when slavery has been a part of this land for almost 200 years. No one would expect Douglas to gain his freedom, much less lead a revolution. Despite the risk of beatings or worse. Douglas breaks the law by teaching himself to read, and even though his first attempts to escape slavery fail. He doesn't give up. By the time he's 20 years old, he successfully escapes to New York City. That's where we meet him.

Frederick Douglass (Narrator) [00:05:22] I am in the great city of New York, safe and sound. Walking amid the hurrying throng and gazing amid the dazzling wonders of Broadway. Dreams of my childhood now fulfilled. A free state around me and free earth under my feet. What a moment.

Davud Blight (Professor, Yale University) [00:05:45] When Frederick Douglass arrives in the streets of lower Manhattan, an escaped slave. He at first feels this indescribable euphoria, breathing free air, first time in his life,.

Chris Bonner (Professor, University Of Maryland) [00:05:58] He Tried to escape slavery before, and now he seems to finally have achieved his freedom. And he bumps into this guy that he knows from Maryland who was also enslaved there, who Douglass knows as Jake. The guy says that's not who I am anymore. He says, I'm William Dixon in New York.

David Blight (Professor, Yale University) [00:06:22] But Mr. Dixon tells him, don't trust anybody. Don't trust me. I don't trust you. Anyone here can betray you.

Chris Bonner (Professor, University Of Maryland) [00:06:33] Dixon tells Douglass to keep your eyes peeled for slave catchers. Be on your guard. Also, their histories of black and white slave catching rings. It's really simple. Douglass is worth a lot of money. Legally, someone owns and legally that person has a claim on them, can send out slave catchers in pursuit of this property that they own.

David Blight (Professor, Yale University) [00:06:56] Price on their body. Price on their very existence. And the moment of his freedom. He realizes he's not free now just because your society and your laws don't recognize you as a citizen. It doesn't mean that a person throughout time doesn't declare that they have those rights. Douglass was certainly one of those who claimed every right as a citizen, despite the fact that the laws of his country denied them.

Martha S. Jones (Professor, John Hopkins University) [00:07:30] Prior to the 14th Amendment. There is an open and notorious question. What makes one a citizen of the United States? For African-Americans, citizenship is a hotly debated, highly contentious and very messy question.

Mai Ngai (Professor, Columbia University) [00:07:51] Citizenship is the right to have rights.

Michelle Adams (Professor, Cardoza Law School) [00:07:54] You have the right to participate. You've got the right to vote. You've got the right to be able to call on the government and also to get protections against the government.

Mary Frances Berry (Professor, University of Pennsylvania) [00:08:02] All the things that we naturally take for granted, the benefit of all the laws, protection from violence, people prosecuted if they do something to us. If you're not a citizen, then you can't take advantage of those.

Harriet Jacobs (Former Slave) Narrator [00:08:18] I spent the day gathering flowers and weaving them into festoons while the dead body of my father was lying within a mile of me. What cared my owners for that, he was merely a piece of property. Moreover, they thought he had spoiled his children by teaching them to feel that they were human beings. This was blasphemous doctrine for a slave to teach presumptuous in him and dangerous to the Masters. You never knew what it is to be a slave. To be entirely unprotected by law or custom. To have the laws reduce you to the condition of a chattel. Entirely subject to the will of another.

Alina Das (Professor, NYU School of Law) [00:09:12] There were people who said, well, citizenship belongs only to white people. The United States of America did not intend for people of color to be included in that definition.

Martha S. Jones (Professor, John Hopkins University) [00:09:25] Remarkably, the founders don't think very hard about citizenship at all.

Garrett Epps (Professor, University of Baltimore) [00:09:30] The original constitution is kind of silent on the subject of citizenship. It doesn't have any statement of how someone becomes a citizen or who is a citizen or who isn't.

Alina Das (Professor, NYU School of Law) [00:09:41] In that space of having this undefined term citizen. Racism was allowed to flourish.

Vanita Gupta [00:09:48] All men are created Equal, is a founding ideal of the United States Constitution. We today understand that it was an ideal kind of embedded in the Constitution, but not at all a reality.

Narrator [00:10:03] The Constitution talks a big game about freedom, blah, blah, liberty, blah, blah, more perfect union. But it also has the three fifths compromise. It starts off fine. We're representatives on total number of free persons. Cool, cool, excluding Indians, not cool. And three fifths of all other persons, other persons as the constitutional way of saying urban. Now imagine that three fifths a person. Nope nothing to see here, we are just fractioning humanity. How did this happen? Well, the South wanted more representation, so they argued that slaves deserve representation, but not rights. You just fought a revolutionary war about all this mess. How do you not see the irony in that? The majority of the first 16 presidents were slave owners. No wonder slavery didn't just die out on its own. And it also gave slave holders a legal argument that the Constitution approves of slavery, of treating human beings like property before the law.

Sabeel Rahman [00:11:04] We had a country founded on both the Declaration of Independence and the institution of slavery. And so for enslaved persons, there are

citizens in the sense of being humans, of moral worth and dignity. But they weren't citizens in the legal sense.

Will Smith [00:11:19] Some abolitionists like Frederick Douglass have this dangerous idea that enslaved people are actually citizens. And so what's next? They set out to see if they can stir up public support for this idea. Blacks born free in the north, like Francis Harper, share the story of oppression through essays and poetry.

Frances Ellen Watkins Harper (Narrator) [00:11:46] We are all bound up together in one great bundle of humanity. And society cannot trample on the weakest of its members without receiving the curse in its own soul.

Will Smith [00:11:57] They also like Maria Stewart, lecture publicly on anti slavery.

Maria Stewart (Narrator) [00:12:02] It is not the color of the skin that makes the man, but it is the principles formed within the soul.

Will Smith [00:12:09] Harriet Jacobs and her brother John Jacobs exposed their experiences with slavery to provoke Americans into action.

John S. Jacobs (narrator) [00:12:17] All men are created free and equal by their maker and endowed with certain inalienable rights. Where are the colored man's rights in today's America

Garrett Epps (Professor, University of Baltimore) [00:12:23], the abolitionist movement is a fascinating part of American history that people don't fully understand, in part because it was so diverse. One branch of the abolitionist movement really believed that the Constitution is evil. The Constitution is pro slavery. They said that the U.S. Constitution was a covenant with death and an agreement withheld. They said what needed to happen was a destruction of the constitution. Let's dissolve the union. But there was another wing. And the most famous member of that was Frederick Douglass.

Martha S. Jones (Professor, John Hopkins University) [00:13:01] Douglas's first autobiography was certainly a risky project, risky as an enslaved person, as a fugitive to advertise one's self. He himself is still in a formal legal sense, a slave. He is a person with a price rather than a free man.

David Blight (Professor, Yale University) [00:13:24] It became a classic instantaneously, and it still is. Its now read all over the world.

Sherrilyn Ifill (President, NAACP Legal Defense Fund) [00:13:30] It was critical at that time to have someone like Frederick Douglass, a black man who had been a slave, who could talk personally about the experience of slavery, who could talk about it from a human dimension.

David Blight (Professor, Yale University) [00:13:43] He often said that his greatest fear during slavery was less the danger to his body than the danger to his mind. The internalization of the idea that some people are somehow born to be free, and others are born to be slaves. There is a moment in his first autobiography where he just stops, asking.

Frederick Douglass (Narrator) [00:14:09] Why am I a slave.

David Blight (Professor, Yale University) [00:14:12] It's an ancient existential question, why am I a slave? When these other white children, I see are free to grow up, free to have books, free to be educated, free to roam and travel. Why am I a slave?

Chris Bonner (Professor, University Of Maryland) [00:14:34] He's felt what it's like. The brutality of enslavement, the exploitation. He has decided that he's going to fight.

Sherrilyn Ifill (President, NAACP Legal Defense Fund) [00:14:45] He travels all over the world speaking about his experience as a slave, speaking about the need for black freedom. That is the cause to which he devotes his life.

David Blight (Professor, Yale University) [00:14:56] He had a talent, a gift to get up and speak. Probably the greatest orator of the 19th century.

Garrett Epps (Professor, University of Baltimore) [00:15:06] He was so impressive that the Southern apologists kept spreading these rumors that he'd never really been a slave. He had been brought in from some other country. You know, that he was an actor.

Mary Frances Berry (Professor, University of Pennsylvania) [00:15:16] There's no question about whether he wrote it himself.

Chris Bonner (Professor, University Of Maryland) [00:15:23] From 1848 on, he continues to bolster his public profile. He publishes the North Star, really incredibly popular among white abolitionists. There's this argument that Douglas is making and that he'll continue to make for a transition from slave to citizen. 1852, Frederick Douglass is probably the most famous black person in the world.

Garrett Epps (Professor, University of Baltimore) [00:15:58] He understood that what he said was tremendously consequential for the strategy that would be taken by the antislavery movement. His argument was the Constitution is an anti slavery document. It's pro freedom.

Mary Frances Berry (Professor, University of Pennsylvania) [00:16:14] He thought that the United States, with its Declaration of Independence and with this revolutionary tradition, that slavery was not something that should be tolerated,.

Khalil Muhammad (Professor, Harvard Kennedy School) [00:16:25] According to Douglas. The founding fathers had not created a document that enshrined slavery, but in fact had created a document that guaranteed to every man the right of self governance, of liberty and of human rights.

Garrett Epps (Professor, University of Baltimore) [00:16:41] He did believe and wanted to believe that people like him really were part of the national community.

David Blight (Professor, Yale University) [00:16:58] The Ladies Antislavery Society of Rochester, New York, invited Frederick Douglass to speak on the Fourth of July. Six hundred people came to Corinthian Hall for this event. But his audience was not just the 600 people in the hall that day. His audience was us. His audience was the future.

Will Smith [00:17:23] Let me set the stage for you. Those 600 people in the audience are mostly white men and women. They generally agree with Frederick Douglass. But Douglas knows there's a difference between agreeing in theory and understanding deeply the reality on the ground. In order to really make them see, he's got to tell them the truth. About themselves. In 1852. This could get interesting.

Frederick Douglass (Narrator) [00:18:00] Fellow citizens. The signers of the Declaration of Independence were brave men. Your fathers succeeded. And today you reap the fruits of that success.

David Blight (Professor, Yale University) [00:18:13] Douglas makes his audience feel very comfortable about the Fourth of July. He says the founding fathers were geniuses. They created this beautiful thing called the American Republic. It's a very calm opening. And then there's a moment where he says, pardon me.

Frederick Douglass (Narrator) [00:18:32] Why am I called upon to speak here today? What have I or or those who I represent to do with your national independence? The Fourth of July is yours, not mine. You may rejoice. I must mourn. Do you mean citizens to mock me by asking me to speak here today?

David Blight (Professor, Yale University) [00:18:58] And then he blasts away at his audience with a litany of the terrors and horrors of the slave trade, slave auctions in the American South. Makes his audience feel their own senses, he tells them what the whole of the slave ship smelled like. He tells them the sounds and the feelings of a woman weeping as your child was sold. He takes them to the horrible heart of what slavery actually is.

Frederick Douglass (Narrator) [00:19:29] To rob them of their liberty, to work them without wages, to beat them with sticks, to flay their flesh, with lash, to knock out their teeth, to burn their flesh. Your shouts of liberty and equality. Your sermons and Thanksgivings are mere hypocrisy. There is not a nation on earth guilty of practices more shocking and bloody than are the people of the United States at this very hour.

Chris Bonner (Professor, University Of Maryland) [00:19:57] He's speaking to the people who are on his side and saying, you're not on my side enough, you're not doing enough to fight slavery. It's 1852. I've been free for 14 years. But this is still going on. This is a nation that's supposed to be built around freedom, built around concepts of human equality. As long as slavery persists, the nation is a lie.

Frederick Douglass (Narrator) [00:20:25] America is false to the past, false to the present, and solemnly binds herself to be false to the future. Allow me to say in conclusion, I do not despair of this country. The doom of slavery is certain. And I therefore leave off where I began. With hope.

Michelle Adams (Professor, Cardoza Law School) [00:21:00] I think he considers himself a citizen. The question is whether the government considers him a citizen. That's really the key thing, I think, for so many people, so many African-Americans. We've always thought of ourselves as being citizens. We've always thought about the United States as being our country. The question is whether the country is thought about us that way back..

Archival [00:21:20] The United States Supreme Court out in this magnificent white marble of equal justice under law,.

Will Smith [00:21:27] The language of the Constitution isn't always crystal clear. And that's one reason why we have the Supreme Court. Part of its job is to interpret, to help make sense of what the Constitution means and then hold us all accountable to it. It's our third branch of government and the ultimate authority of our judicial system. So what did the Supreme Court have to say about who is or is not an American citizen? 1857, Dred Scott versus Sanford,.

Archival [00:22:01] Dred Scott, the worst decision ever made by the Supreme Court and the only debate is the worst of the second worst,.

Will Smith [00:22:08] Dred Scott is enslaved to a surgeon. The surgeon had brought Scott on a job from the slave state of Missouri into Wisconsin, which was a free state. Later, back in Missouri, the doctor died. Eventually, Scott goes to the Supreme Court arguing that once he had lived in a free state, he was no longer property and became a free citizen. If the court rules in favor of Dred Scott, enslaved people would have a clear path to become free citizens if they rule against the doors closed.

Roger Taney (Narrator) [00:22:45] We think Negroes are not included and we're not intended to be included under the word citizens in the Constitution and can therefore claim none of the rights and privileges which that instrument provides for and secures to the citizens of the United States.

Garrett Epps (Professor, University of Baltimore) [00:22:59] The court says we're going to go back to the framing of the Constitution and ask ourselves, what did those people intend in 1787? It's obvious to me, Roger B. Taney. They didn't want black people as part of their country. They didn't put it in the Constitution because it just would never have occurred to them that Anyone would be stupid enough to allow nonwhites into the American body politic.

Roger Taney (Narrator) [00:23:23] They had, for more than a century before, been regarded as beings of an inferior order and altogether unfit to associate with the white race. And so far inferior that they had no rights, which the white man was bound to respect.

Martha S. Jones (Professor, John Hopkins University) [00:23:39] Its rhetoric is bone chilling. African-Americans are indeed not citizens. Never were, never can be.

Bryan Stevenson [00:23:50] It affirmed the idea that no matter what their status, free or enslaved black people were not equal to white people. They were not fully human. They were not evolved.

David Blight (Professor, Yale University) [00:24:01] Dred Scott case announces that black people can never be citizens of the United States. Dred Scott himself never even had the right to sue.

Garrett Epps (Professor, University of Baltimore) [00:24:14] Frederick Douglass had insisted anti slavery politics could operate in harmony with the Constitution. But the court seemed to leave no way forward. They said no. The Constitution is completely pro slavery.

The Constitution is totally anti-Douglas, if you will, citizenship is the locus of rights. After Dred Scott, Douglas can never be part of this community. Never be an American citizen. So the question then became, what's the next step?

Archival [00:25:02] So he wants the stamp of national approval on slavery? He can't have it

Jeannie Suk Gersen [00:25:09] Lincoln was a big critic of that case. That was partly what he ran on. If it were not for the reaction to Dred Scott, many people think that he would not have become the president.

Archival [00:25:20] And you will be the greatest president of all history.

Jeannie Suk Gersen [00:25:25] Lincoln also saw the country moving to fight over this question of the legality of slavery.

Chris Bonner (Professor, University Of Maryland) [00:25:44] So Lincoln understands that slavery is bad, which is a good start. But. He says that if I could save the union without freeing any slaves, I would do so.

Will Smith [00:25:58] If the Civil War is over slavery. Then why doesn't Lincoln immediately free all the enslaved people in the South? Because his goal is preserving the union. The South has just seceded. They're calling themselves the Confederacy now. Lincoln is not going to be the president that straight up loses half the country. He has got to get the south back. And at this point, he'll do whatever it takes to win, even if it's at the expense of black Americans.

David Blight (Professor, Yale University) [00:26:30] In the midst of all the chaos, Abraham Lincoln invited a small group of African-American leaders to the White House. He had stenographer's and the press there to record this. And in effect, Lincoln did not have a discussion with them. He gave them a lecture.

Abraham Lincoln (Narrator) [00:26:47] Your race are suffering. In my judgment, the greatest wrong inflicted on any people. But even when you ceased to be slaves, you are yet far removed from being placed on an equality with the white race.

Will Smith [00:27:02] I do not like where this is going.

Abraham Lincoln (Narrator) [00:27:05] Consider what we know to be the truth. But for your race among us, there could not be war.

Eric Foner [00:27:10] He basically blames the presence of black people in America for the Civil War. And then he wants to get them to endorse a plan to quote unquote, colonize freed black people outside the United States.

Abraham Lincoln (Narrator) [00:27:27] There is an unwillingness on the part of our people, harsh as it may be for you free colored people to remain with us. It is better for us both, therefore, to be separated.

Will Smith [00:27:36] Whoa, time out. You're Abraham Lincoln, right? The dude on the penny. Okay. Keep going.

Chris Bonner (Professor, University Of Maryland) [00:27:45] He's saying we all understand that equality is what this country's supposed to be about. But really, racial equality is not going to happen. So get with the program.

Abraham Lincoln (Narrator) [00:27:56] The place I'm thinking about having for a colony is Central America.

Will Smith [00:28:01] What wait, the enlightened progressive president who ultimately ended slavery first wanted to send black Americans to Costa Rica. Porque?

Chris Bonner (Professor, University Of Maryland) [00:28:16] Douglass's, he's outraged. Part of what Lincoln is doing here is trying to get at that gnawing uncertainty in black people that maybe we can't actually belong in this country.

Martha S. Jones (Professor, John Hopkins University) [00:28:31] This is what African-Americans fear might be their fate if, in fact, they are not citizens.

Eric Foner [00:28:38] Douglas responded, said, no, it is not the presence of black people. It is slavery and the power that slave owners have and the way it warps the whole society. That is the cause of the civil war.

David Blight (Professor, Yale University) [00:28:55] This was all in the midst. We have to remember of all out civil war. And that summer. His side is not winning the war.

Eric Foner [00:29:12] In a war like that, you needed every soldier you could get. But the government kept insisting that blacks could not be in the militia. They couldn't be in the regular army. You know, they're savages. They'll run amok. They'll try to give them arms. They'll massacre every white person they see.

Frederick Douglass (Narrator) [00:29:35] Why does the government reject the Negro? Is he not a man? Our generals are calling for men. Send us men, they screamed. I have implored the imperiled nation to unchain against her foes are powerful Blackhand. Liberty, won by white men, would lose half its luster. Who would be freed themselves must strike the blow.

David Blight (Professor, Yale University) [00:30:05] Douglas makes the case that if black man go to war and bleed for their country that they could never then be denied the rights of citizenship. He makes that point explicitly.

Eric Foner [00:30:17] He toured the country giving speeches. You couldn't win the war without abolishing slavery. You couldn't win the war without enlisting black soldiers into the Civil War, into the union army.

Chris Bonner (Professor, University Of Maryland) [00:30:29] He's trying to manipulate Lincoln to invite black people to join this fight against the slave owners. Douglas is convinced they will prove they are citizens, that they're deserving of rights and that they're deserving of legal equality.

Eric Foner [00:30:47] He couldn't at this point really conceive of the United States as a bi racial society. But his views will begin to move forward very, very dramatically.

Will Smith [00:30:58] Finally, Frederick Douglass' efforts, work desperate for soldiers, Lincoln signed the Emancipation Proclamation, freeing enslaved Americans in the southern states. Now black men can join the union army. These black soldiers get to prove where Frederick Douglass has been saying all along. They want to fight for their freedom.

Eric Foner [00:31:31] The Emancipation Proclamation is a critical turning point in the war, adding, and by the end, two 200,000 black men to the union Army and Navy. It was not just a war of small battles and regular armies fighting. There was mass armies both north and south. The Emancipation Proclamation is issued as a military order. It's to help win the war.

Sherrilyn Ifill (President, NAACP Legal Defense Fund) [00:31:59] We were supposed to be lazy. We were supposed to be cowardly. We were supposed to be undisciplined. And so to have African-Americans serve and serve nobly was such a powerful reposte to those narratives that were being advanced. It was powerful for black people to be on the front to shed blood.

Eric Foner [00:32:31] Black service in the military began to change white racial attitudes, many, many northerners who had never thought about blacks as being citizens believed that by their service in the army, they have earned the right to be equal citizens of the United States.

Sherrilyn Ifill (President, NAACP Legal Defense Fund) [00:32:49] Two of Frederick Douglass' sons, serve in the 54 Massachusetts colored infantry,.

David Blight (Professor, Yale University) [00:32:56] He saw the tremendous real and symbolic power of black men putting, as he said, the label U.S. on their belt.

Frederick Douglass (Narrator) [00:33:07] We want a country we shall not brand the Declaration of Independence as a lie. The mission of this war is national regeneration

Chris Bonner (Professor, University Of Maryland) [00:33:17] Since the start of the war, Douglas is saying that the war would not only transform black people's lives, but transform the United States as a whole.

Frederick Douglass (Narrator) [00:33:25] We are not fighting for the old union as it was, but for something 10000 times more important and that thing crisply rendered, is national unity a unity of which the great principles of liberty and equality, and not slavery and class superiority are the cornerstone.

Chris Bonner (Professor, University Of Maryland) [00:33:41] He is defining the civil war. The country is destined that it's essential that the country will live up to the creed of its founding documents.

Eric Foner [00:33:53] The war must end not only with the defeat of the Confederacy, but with a new nation being created, one based now on equality.

Chris Bonner (Professor, University Of Maryland) [00:34:04] Part of the hardship of the civil war is seeing how many people are dying. And Lincoln is having to grapple with the question of why.

Abraham Lincoln (Narrator) [00:34:21] Four score and seven years ago, our fathers brought forth on this continent a new nation. Conceived in liberty and dedicated to the proposition that all men are created equal.

Chris Bonner (Professor, University Of Maryland) [00:34:34] A way to think about Gettysburg is that it's an echo of what Douglass has been saying. Emancipation is the definition of the war effort.

Abraham Lincoln (Narrator) [00:34:45] This nation under God shall have a new birth of freedom.

Chris Bonner (Professor, University Of Maryland) [00:34:50] Lincoln's most famous line here, a new birth of freedom. That's something that Douglass had been saying since the start of the war.

Eric Foner [00:34:58] And that's rhetoric not that dissimilar from what Douglass talks about. National regeneration, new birth of freedom. Both of them now are seeing the civil war as creating something new.

Abraham Lincoln (Narrator) [00:35:10] And that government of the people, by the people, for the people. Shall not perish from the earth.

Chris Bonner (Professor, University Of Maryland) [00:35:20] Part of what he's doing in Gettysburg is helping himself grapple with the tragedy. The human cost of the war. If this is a war about the union, then maybe too many people have died. But if this is a war about emancipation, if this is a war for black freedom, then maybe Gettysburg is worth it. This is where I think Lincoln becomes so compelling is that you really see how much a person can change. For Lincoln to go from urging colonization to talking about black people's future is incredible.

Eric Foner [00:36:01] Think they came to respect one another very deeply. They were both self-made men, Lincoln had one year of formal schooling. Douglas had none. Both of them had risen to prominence through their wits, through their mind. Whatever they became, they made themselves into. And I think they they were kind of kindred spirits in that respect.

Chris Bonner (Professor, University Of Maryland) [00:36:28] Douglass's feeling really optimistic that he can continue to work with Lincoln toward a black American future.

Will Smith [00:36:44] On April 9th, 1865, generally of the Confederacy surrenders to the Union, marking the beginning of the end of the Civil War. Sometimes history appoints certain people like Douglas to be the voice of a movement. And when they can find an advocate like President Lincoln who's willing to listen and change. It's incredible to see what those leaders can accomplish together. Unfortunately, history can also cut those relationships tragically short.

Gerard Magliocca [00:37:18] In celebration of Lee's surrender, Lincoln gave a speech to say that African-American soldiers who had served in the Union Army ought to be given the right to vote. One of the people in the crowd that day listening to the speech was John

Wilkes Booth. Booth was upset at the idea of equal citizenship and he turned to a friend and said, that's the last speech that he'll ever make.

Will Smith [00:38:13] Eight months after Lincoln's assassination, the 13th Amendment is ratified. Finally, abolishing slavery and permanently freeing every enslaved person in America. But freedom isn't the end of the story.

Sabeel Rahman [00:38:28] So we think of the assassination of Lincoln as a great tragedy. And it is. But the real tragedy is that his assassination means that the presidency passes to Andrew Johnson.

Andrew Johnson (Narrator) [00:38:42] This is a country for white men. And by God, as long as I am president, it shall be a government for white men.

Sherrilyn Ifill (President, NAACP Legal Defense Fund) [00:38:51] He is reactionary. He is racist. He is bigoted. He is as far from Lincoln as the sun is from the moon.

Garrett Epps (Professor, University of Baltimore) [00:38:58] He loved the idea of big rallies. He loved to get up and make long speeches largely about himself. You know, I think we've all seen political figures like this at various points in history.

Sabeel Rahman [00:39:10] Once he becomes president, he more or less says upfront that his goal is to prevent the dilution of citizenship.

David Blight (Professor, Yale University) [00:39:18] Frederick Douglass went to the White House to visit this president. It was a terrible moment.

Sherrilyn Ifill (President, NAACP Legal Defense Fund) [00:39:24] Andrew Johnson makes very clear that he thinks that Frederick Douglass is beneath him. He thinks that black people should be grateful to him.

Andrew Johnson (Narrator) [00:39:31] I've owned slaves and I have bought slaves, but I've never sold one practically so far as my connection with slaves has gone. I've been there slave. Instead of that being mine.

Eric Foner [00:39:43] After the meeting with Frederick Douglass, Johnson said to his secretary,.

Andrew Johnson (Narrator) [00:39:47] I know that damn Douglas. He is like any other nigger. he sooner cut a white man's throat than not.

Eric Foner [00:39:56] You're not likely to get Andrew Johnson supporting vigorous enforcement of the rights of the former slaves, which of course he did not do.

Larry Wilmore [00:40:07] I get it. Johnson's a racist. But having a racist president shouldn't hurt black people now that slavery has been abolished. Sorry, Johnson, if you really hated black people so much, you shouldn't have joined the union. Too late now, but hold on. Just because you're free doesn't mean you're a citizen. And without citizenship. Black folks have no recourse against Southern attacks on black freedom since the 13th has passed state legislatures across the South pass Black Codes. And while the name Black Code sounds like an amazing new Shonda Rhimes show, it's anything but. We're

talking about laws. See, many of these laws require black people and only black people to sign year long labor contracts with white employers and tax them up to 100 dollars for taking employment as anything other than a farmer or a servant. And they even force black children into mandatory apprenticeships to keep them in the labor force. Kids. And sure while the North was outraged. These Southern legislatures basically say, what are you talking about? Black codes aren't slavery. It's an entirely different word. It's two words even. And look, they're getting paid now. Right. But guess what happens if a black person refuses these new restrictions? What happened if they tried to exercise their freedom? Well, they could be taken to jail. And surprise. Surprise. Forced into labor without pay. The New York Herald Tribune even runs this headline. South Carolina Reestablishes Slavery. Can you imagine black folks just fought and want an entire war for their freedom. And this is what they get. Clearly, the 13th Amendment isn't going to cut it. Question is, what will?

Will Smith [00:41:49] Enter John Bingham, an Ohio congressman, Bingham believes in freedom for everyone. True freedom.

John Bingham (Narrator) [00:41:58] I take exception to the abuse of the word Nigger. To me, it does not denote color of skin, but designates a class of creatures by the color of their souls. Those who set their feet upon defenseless fellow men and convert them into what we call slave. These man stealers, though, their skins be as white as the driven snow, they are the real niggers.

Khiara Bridges (Professor, UC Berkeley) [00:42:27] He's looking at what's happening in the south and he's like, y'all, it's not looking to be put down there. He's like, we have to do something. We have to amend the Constitution, provide them equal citizenship.

David Blight (Professor, Yale University) [00:42:41] John Bingham, among others, who led the way to argue for and craft the heart of the 14th Amendment.

Will Smith [00:42:51] What Bingham wants is to do exactly what Frederick Douglass called for in his Fourth of July speech. Make America live up to its promise to expand American citizenship in the Constitution, to right the wrongs of Dred Scott and secure the blessings of equality for all in writing so no one can ever take them away. To do that. Bingham and a group of radical Republicans build 14 to include many of the rights that were denied to black Americans. And they fight to make 14 a constitutional amendment. That's important because they understand that they're not always going to be in charge. The next guys might want it gone. now. Amendments are extremely difficult to pass, but they're also very hard to get rid of. And Bingham succeeds in 1868, the 14th Amendment officially becomes a part of the Constitution. And it proves that the United States is on board with this new mission of equality for all.

Narrator [00:44:16] All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside.

Garrett Epps (Professor, University of Baltimore) [00:44:28] If you look at the language, it's quite striking. Person born in the United States. And there's no other restriction. It doesn't say a white person born in the United States. Therefore, people of African descent are citizens.

Narrator [00:44:46] No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

Garrett Epps (Professor, University of Baltimore) [00:44:53] What this means is that the first eight amendments to the U.S. Constitution, what we call the Bill of Rights, all citizens have those rights and they have them against state governments as well as against the federal government.

Narrator [00:45:05] Nor shall any state deprive any person of life, liberty or property without due process of law.

Chris Bonner (Professor, University Of Maryland) [00:45:13] Black people from the antebellum period have been trying to use courts to get what they want. You wanna be able to defend themselves against violence. And now the 14th Amendment says that, yes, you can go to court if something happens.

Narrator [00:45:28] Nor deny to any person within its jurisdiction the equal protection of the laws.

Rick Wilson [00:45:42] Citizenship becomes so clearly delineated that citizenship was automatic, that full citizenship, not three fifths, not conditional. The moment you breathe that first breath of American air, you're an American.

David Blight (Professor, Yale University) [00:45:54] If you are born here, you are born with all of the liberty. And the protection of U.S. citizenship.

Eric Foner [00:46:04] That overturns the Dred Scott decision, which said that black people could not be citizens no matter where they were born even though they'd been here for generations,.

Kelly Lytle Hernandez [00:46:12] Fourteenth Amendment is absolutely pivotal in moving us from a white male nation into a future in which there was a possibility for a diversity within our democracy.

Sherrilyn Ifill (President, NAACP Legal Defense Fund) [00:46:26] The 14th Amendment also includes the first time that the word equal is used in the Constitution and it becomes enshrined in our Constitution.

Sabeel Rahman [00:46:40] In a lot of ways, our country wasn't founded in 1776. It was founded when John Bingham and the Congress passes the 14th Amendment because that's the modern Constitution.

Chris Bonner (Professor, University Of Maryland) [00:46:55] Douglass and others recognize that the 14th Amendment has changed the way the nation's laws will work. It's not viewed uncritically, but it is cause of tremendous celebration. This is a moment of incredible optimism.

Sherrilyn Ifill (President, NAACP Legal Defense Fund) [00:47:12] African-Americans are filled with this excitement about what it means to be full citizens. After the passage of the 14th Amendment, there is this belief and excitement that we've hit the reset button on a badly mismanaged project and America is now going to step into her own.

Chris Bonner (Professor, University Of Maryland) [00:47:33] One of the biggest successes is the flourishing of black education. People in the South build up institutions for their own education because of the importance of literacy. Black people spend a few million dollars of their own money for education. And these are people in the south who had no money.

Sherrilyn Ifill (President, NAACP Legal Defense Fund) [00:48:00] Frederick Douglass, you just say his name, and to me, it's like a prayer.

Bryan Stevenson [00:48:05] He was remarkable in that he had an aptitude that could not be contained. He didn't want black people to just be free from slavery. He wanted them to be full citizens. What an extraordinary man and human being.

Frederick Douglass (Narrator) [00:48:23] I seem to be living in a new world. Who could have imagined what has occurred? The great triumph of justice and liberty, not only for the slave emancipated, but a civil rights bill, the right to vote. All for class stigmatize. But a little while ago was worthless goods and chattel. But now. Regarded as men, recognized as such before the law.

Will Smith [00:48:57] Frederick Douglass. Enslaved person, fugitive free noncitizen citizen. But his incredible journey doesn't end there. Throughout his long life, Frederick Douglass would continue to champion the rights of black Americans, women and immigrants. And the impact of his fight has echoed through generations. Even today.

Archival [00:49:34] These images show the crane and a flatbed truck removing the statue of Roger B. Taney in the wee hours of the morning Friday. So he said blacks were so far inferior that they had no rights, which the white man was bound to respect. So we ask for forgiveness. The Scotts embraces forgiveness.

Archival [00:50:08] There were people in my family who said I wouldn't meet those people. And the unexpected impromptu apology was was given. My I have cousins who were in tears. When that starts to happen. And it's that level of understanding a relationship. Other things start to become possible. So we can hope for some. If the Scots and the Taney's can reconcile. Can't you?

Bryan Stevenson [00:50:48] We talk about equality a lot in America. We talk about justice. We have a Pledge of Allegiance that has these words. And the 14th Amendment was intended to make that vision real. But we didn't account for is how unprepared we were to actually embrace true equality.

Archival [00:51:24] All we say to America is be true to what you said on paper.

Will Smith [00:51:33] As soon as the 14th is ratified, it's attacked in the courts, in the streets, even in our history books. Why haven't we learned the story of the 14th Amendment? Because there are a lot of people out there who fought very hard to make sure you'd never know.