



The Rule After the War

WisdomForge Booklet — Ages 5–10

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About This Book

The United States has a big rule book called the Constitution. After a terrible war, the country added a new page. That page is the Fourteenth Amendment. Congress proposed it in 1866. It became law on 9 July 1868. Secretary of State William Seward certified it on 28 July 1868.

This booklet is not a speech. It is not a court case. It is a story about a rule the country wrote down after fighting. The rule says who belongs. It says the states must treat people fairly. It says counting some people as pieces of people for power in Congress had to end.

WisdomForge already walked a chain: Magna Carta, the Declaration of Independence, the Constitution, and the Federalist essays. This booklet is the next link. A short speech Lincoln gave at Gettysburg lives *inside* the link. The speech is not a sixth document.

You will hear real words from the amendment and from that cemetery speech. The speech is beautiful. The amendment is the law. They are not the same thing. This book keeps them side by side so you can tell them apart.

The Fourteenth is also not the Thirteenth, which ended slavery, and not the Fifteenth, which later forbade denying the vote because of race. Three Reconstruction amendments. Three jobs. This book is the middle one.

Each chapter has a story, words to remember, a big idea, something to try, and a question to ask a grown-up. The questions are not tests. They are doors to walk through together. A grown-up who wants the mixed-character essay, Taney's citizenship holding, or Section 3 should use the middle or high booklet. This one keeps the little-band omit list.

Chapter 1: When Counting Changed



Illustration for Chapter 1

Imagine a classroom where the teacher counts heads to decide how many snacks to bring. Now imagine the teacher counts some children as whole people and some children as only pieces. That would be a strange and unfair way to count.

Long ago, the Constitution had a counting rule like that for seats in the House of Representatives. Seats are the chairs a state gets in Congress. More people can mean more chairs. For a long time, the rule did not count everyone as a whole person when it handed out those chairs.

After the war that ended slavery, the country wrote a new counting rule. It said the House would count “the whole number of persons in each State.” Whole number. Not a piece. Not a fraction. Whole.

The new rule did not fix every unfair thing. Some Native people were still left out of that count. The new rule did not, by itself, give everyone a vote. Counting for seats and voting are different jobs. This chapter is only about the counting.

Think of two piles of stones. In the old pile, some stones were split. In the new pile, the split stones are whole again. The pile is the country’s way of deciding how much voice a state gets in one part of Congress. Changing the pile does not finish the story. It starts a truer count.

A child might ask: if people are whole, why did anyone ever count them as pieces? Grown-ups can tell you that the old rule was about power — chairs and taxes — not about a kindness. Northern states that wanted enslaved people *out* of the count were shrinking Southern chairs, not freeing anyone. Southern states that wanted them *in* as full numbers wanted more chairs, not equality. This booklet will not pretend the old rule was a compliment. It was a bargain. The Fourteenth Amendment canceled that bargain as a rule of seats.

After slavery ended, a new danger appeared. If a Southern state counted formerly enslaved people as whole persons for chairs, but still refused them the vote, that state would *gain* power in Congress. Section 2 tried to brake that cheat with a penalty: fewer chairs if adult men were shut out of voting. The penalty is not a right to vote. And later, when it was needed, the country did not use it. Design and failure sit in the same chapter on purpose.

You do not need the old essay that defended the bargain. You need the new sentence. Read it slowly. Whole number of persons. That is the landing this book begins with, because the rest of the civic story — Magna Carta, the Declaration, the Constitution, the Federalist essays — pointed here.

The Thirteenth Amendment, two years earlier, had already said a person was not a slave. That is a different job. This chapter’s job is counting for chairs. A child can hold both: slavery ended as a written rule, and later the House stopped counting some people as pieces for power. Ending one unfair thing does not automatically end the next. If you mash “the war fixed counting” into one blob, you cannot tell which paper did which work.

Go back to the snack classroom. Ten children. If the teacher counts four of them as only a piece, the snack order is wrong *and* the story about who belongs is wrong. Changing the count to ten whole children is a real change. It still does not decide who gets to pick the game at recess. Counting and choosing are different jobs. Section 2 of the Fourteenth Amendment is the counting job. Another amendment, later, is closer to the choosing job. Keep them apart even when a grown-up speaks quickly.

A grown-up may have heard a cartoon: “they counted as three-fifths of a person,” as if the Constitution were grading souls. The old rule was about seats and taxes. That is already ugly enough. This band does not teach the essay behind the bargain. It teaches that the bargain’s arithmetic for chairs is gone, and that “gone on paper” is not the same as “kept in life.”

Words to Remember

“Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.” — Fourteenth Amendment, Section 2 (National Archives)

That means: when the country hands out chairs in the House, it counts whole people. The old fraction is gone. The sentence still names a group it does not count. We do not skip that part.

Big Idea

A country that writes people down as pieces can later write them down as whole. Changing the count is not the same as keeping every promise. It is still a real change, and it belongs in the rule book.

Try This

1. With a grown-up, line up ten coins. Pretend six coins are “whole” and four are “only a piece.” Count them both ways. Which count is bigger? Which count is fairer if each coin is a person? 2. Draw two boxes. Label one “Old Count” and one “New Count.” In the new box, draw whole people only. 3. Ask three people: What does it mean to count someone as a whole person?

Ask a Grown-Up

If a rule changes on paper, what has to happen in real life before the change is kept?

Chapter 2: Four Promises in One Paragraph



Illustration for Chapter 2

The most famous part of the Fourteenth Amendment is Section 1. It is one paragraph with four jobs. People sometimes say “the Fourteenth is equal protection” and stop. That drops three jobs. We will not drop them.

Here is the paragraph. A grown-up can read it aloud. You can echo the short pieces.

First job: who is a citizen. People born here, or made citizens by law, who are under the country's authority, are citizens of the United States and of the state where they live.

Second job: a state may not cut down the special rights of those citizens — the “privileges or immunities of citizens of the United States.”

Third job: a state may not take a person's life, liberty, or property without due process of law. Due process means a fair, lawful way — not “because I said so.”

Fourth job: a state may not deny any person the equal protection of the laws.

Notice two words. **Citizen** is in the first two jobs. **Person** is in the last two. The writers chose those words on purpose. A person in the state gets fair process and equal protection even if they are not a citizen. Citizens also get the citizenship promises.

The four jobs bind **states**. That matters. An older list of rights, the Bill of Rights, first bound the national government. Section 1 aims at the states after a war about what the states had done.

John Bingham of Ohio helped write Section 1 in the House. He said it would protect “the privileges and immunities of all the citizens of the Republic and the inborn rights of every person within its jurisdiction” against the states. Jacob Howard of Michigan explained the amendment in the Senate. Thaddeus Stevens drove it through the House. Andrew Johnson, the president, opposed it. None of them is the amendment. Their speeches help us hear what Congress thought it was doing. The National Archives holds the enrolled words. Those words win if a speech and the paper disagree.

If someone in charge takes your turn, your seat, or your name off a list, you already know the feeling of an unfair rule. Section 1 is the country's attempt to say: the states must not do that without law, and they must not protect only some people.

A sitting that says “the Fourteenth is equal protection” has dropped citizenship, privileges, and due process. Clap all four. Then you have the paragraph, not the poster.

The Bill of Rights is an older list from 1791. It first told the *national* government what it must not do. Section 1 tells the *states*. A hallway poster that says “the Fourteenth is the Bill of Rights” has mixed two papers from two centuries. You may love both lists. This chapter asks you to hear four jobs in 1868 before you paste a 1791 poster over them.

A grown-up can read the whole paragraph slowly. You mark four places with a finger: born/citizen; privileges; due process; equal protection. Who? Against whom? Fluency with a

later court case is not a substitute for hearing the words. If you can name *Brown* and cannot clap the four jobs, you have the afterlife without the instrument.

Words to Remember

*“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.” —
Fourteenth Amendment, Section 1 (National Archives)*

That means: if you are born here (and under the country’s authority), you are a citizen. The rest of the paragraph adds three more promises. Learn this sentence first.

Big Idea

The Fourteenth Amendment is not one slogan. Section 1 has four clauses. Say all four, in order, or you have a poster instead of the rule. The Bill of Rights is a different list, from 1791, aimed first at the national government. Do not mash the two lists into one name.

Try This

1. Clap four times. Each clap is a job: citizen, privileges, due process, equal protection. Say the four names while you clap. 2. Copy the first sentence of Section 1 onto paper. Circle the words *born* and *citizens*. 3. Play “which job?” A grown-up names a story (“the state took something with no hearing”). You point to due process, equal protection, citizen, or privileges.

Ask a Grown-Up

When you hear “the Fourteenth Amendment,” which of the four jobs do people usually mean — and which ones do they forget?

Chapter 3: A Speech Is Not a Law



Illustration for Chapter 3

On 19 November 1863, President Abraham Lincoln spoke at a cemetery in Gettysburg, Pennsylvania. A big battle had been fought there. Edward Everett gave a two-hour oration. Lincoln spoke for about two minutes.

The short speech is famous. Lincoln did not dash it off on a train. That story is false. He wrote more than one copy. The Bliss copy — the one he signed and dated, the text on the Lincoln Memorial — is the classroom text this booklet uses.

It says the nation was “conceived in Liberty, and dedicated to the proposition that all men are created equal.” Equality here is a *proposition*: a claim the nation is dedicated to, being tested by war. It ends by hoping “that government of the people, by the people, for the people, shall not perish from the earth.”

Hear that last line. It is a hope and a charge to the living. It is not a statute. It does not create citizenship. It does not repeal an old counting rule. It does not tell the states they must give equal protection. It does not give Congress a power to enforce.

Everett wrote Lincoln the next day that he wished his two hours had come as near the central idea as Lincoln’s two minutes. Fame is not law. Even Everett knew the short speech had struck the center. The center still had to be written into the rule book.

The Fourteenth Amendment does those jobs. It was written after Lincoln died. It has five sections. It became part of the Constitution in 1868. A speech over graves and a five-section instrument are both worth reading. They are not twins.

Some people love the speech so much they treat it as the law. That is like treating a birthday wish as a signed contract. Wishes can be true and beautiful. Contracts bind. The Constitution is the country’s contract with itself.

You can love both. This book asks you to keep them in different boxes. Box one: Lincoln’s words at the cemetery. Box two: the amendment in the National Archives. When someone says the speech *is* the Fourteenth, open both boxes.

Lincoln said the living had unfinished work. He did not list that work as five sections. He did not write a membership rule. He did not repeal a counting fraction. He did not give Congress an enforcement power. Later, after he was dead, Congress tried to write operating rules. You can honor the cemetery and still ask for the paper. A birthday wish can be true. A signed contract binds. The Constitution is the country’s contract with itself.

The middle of the Bliss speech, which classrooms sometimes skip after the first line, says the dead have consecrated the ground “far above our poor power to add or detract.” Then it turns to the living. That turn is a charge, not a statute. If a class recites the last line and never reaches Section 1, the marble has won. If a class recites Section 1 and never hears the cemetery, the hope that the rule answers has gone missing. This booklet keeps both boxes open.

Words to Remember

“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.” — Abraham Lincoln, Gettysburg Address, Bliss copy, 19 November 1863

That opening looks back to 1776. The last line looks forward to a people’s government. Neither line is Section 1.

“that government of the people, by the people, for the people, shall not perish from the earth.” — same speech, last sentence

That means: the living must keep a people’s government alive. Lincoln said it over graves. The Fourteenth Amendment later tried to write “the people” into operating rules.

Big Idea

A speech can name a hope. An amendment can make a rule. Gettysburg is the hope in this pack. The Fourteenth is the rule. Read both. Do not swap them.

Try This

1. A grown-up reads Lincoln’s last sentence. You repeat it. Then the grown-up reads the first sentence of Section 1. Ask: which one can a court enforce? 2. Draw two frames. In one, a cemetery and a short speech. In the other, a paper with five sections. Label them Speech and Law. 3. Make a paper chain with five loops. Write on the last loop: “Fourteenth.” The speech is a note tied to the chain, not a loop.

Ask a Grown-Up

Can a beautiful speech change a country’s rules by itself? What else has to happen?

Chapter 4: Who Counts as the People



Illustration for Chapter 4

Lincoln asked the living to keep government “of the people.” The Fourteenth Amendment tries to say who the people are in law.

The first sentence of Section 1 is a membership rule. You are a citizen of the United States, and of your state, if you are born here or naturalized here, and you are under the country's authority. National citizenship is not a gift a state may snatch away.

Before the war, the country had not written that sentence. After the war, Congress first put a citizenship rule in a statute — the Civil Rights Act of 1866. Then they put it in the Constitution, because a later Congress can repeal a statute. The Constitution is harder to unwind.

There is a small gate in the sentence: “subject to the jurisdiction thereof.” Senator Jacob Howard, introducing the amendment in the Senate on 23 May 1866, said it left out children of ambassadors and foreign ministers, and members of Indian tribes not taxed. The gate is real. It is not a secret hole that empties the promise. It is also not nothing.

The Thirteenth Amendment had already said a person was not a slave. This sentence says what the person *is*: a citizen of the nation and of a state. Abolition and citizenship are different gifts. The Fifteenth, later, is about the vote. Three gifts. Do not stack them into one word.

For this age, the heart of the chapter is simple. People born here are part of the country. “The people” is not only the people who already had power. The new sentence writes more names onto the roll.

Belonging on a roll is not the same as being treated well every day. Later chapters will say the country sometimes ignored its own sentence. This chapter is the sentence itself. Learn it before you learn the failures. Otherwise the failures swallow the words.

Think of a house rule on a sticky note versus a rule carved into the doorframe. Congress first wrote a citizenship rule as a statute — the Civil Rights Act of 1866. President Andrew Johnson tried to throw the note away. Congress put it back. Then they carved the rule into the Constitution, because a later Congress can peel a statute off the wall. The Constitution is harder to unwind. That is why the first sentence of Section 1 exists. It is not a mood. It is a lock.

“Born here” is the heart for this age. “Subject to the jurisdiction thereof” is the small gate. Howard named children of ambassadors and members of tribes not taxed. The gate is not a trick that empties the promise. It is also not nothing. A grown-up who wants the later court case about a child born in San Francisco can open the middle booklet. This band learns the sentence and the two belongings: nation and state.

Words to Remember

*“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.” —
Fourteenth Amendment, Section 1 (National Archives)*

That means: birth or naturalization, plus the country’s authority, makes you a citizen of the nation and of your state. Two belongings, one sentence.

Big Idea

Citizenship is a rule of membership written into the Constitution after the war. It answers the question “who is the people?” with a sentence, not a mood. A state may not take that national citizenship away as a gift it never owned.

Try This

1. On a paper, write “United States citizen” on one line and “State citizen” on the next. The first sentence of Section 1 gives both. 2. Make a paper badge that says “Born here.” Under it write “Citizen.” This is a game about a rule, not a real ID. 3. Ask three people: What does it mean to belong to a country?

Ask a Grown-Up

Who counts as “the people” in our house, our school, and our country — and who decides?

Chapter 5: Fair Ways and Fair Rules



Illustration for Chapter 5

Two of Section 1's jobs use the word **person**. That is wider than **citizen**.

Due process: a state may not take life, liberty, or property without due process of law. Think of a fair way. Notice. A chance to speak. A rule that exists before the taking. Not a slam of a door and “because I said so.”

Equal protection: a state may not deny any person the equal protection of the laws. The laws’ shield has to cover the people in the place, not only the teacher’s favorites.

These ideas are older than 1868. “Law of the land” goes back to Magna Carta. The Fifth Amendment already told the *national* government to use due process. The Fourteenth tells the *states* the same kind of thing, and adds equal protection.

Fair ways are not the same as identical treats on every day. A school may have different rules for kindergarten and fifth grade. A library may have a quiet room. Equal protection means the state must not build a worse shield for some people because of who they are, without a reason the law will hear.

The country wrote this in 1868. It did not keep it at once. For a long time, some states made separate and worse arrangements for Black Americans. In 1896, in a case about railway cars, the Supreme Court said separate could be equal. It was a cheat with a polite word. In 1954, in *Brown v. Board of Education*, the Court said separate public schools are not equal. Troops and later statutes still had to make the sentence real in buildings. *Brown* is not the end of the story. It is the school chapter of a longer keeping.

For you, the picture is a playground. If the adult in charge lets only some children use the safe equipment, the rule is not protecting everyone. The Fourteenth Amendment is the country’s written attempt to forbid that pattern in the states’ laws.

Hear the order without a sermon. The sentence was written in 1868. People in charge sometimes ignored it. In 1896 a court allowed “separate but equal” railway cars — a cheat with a polite word. In 1954, in *Brown v. Board of Education*, the Court said separate public schools are not equal. Even then some doors stayed shut or slow. Soldiers and later statutes had to walk the sentence into buildings. Little band: schools had to take everyone; it took a long time. That gap is the lesson, not an embarrassment to skip so the amendment can look finished.

Fair difference is still allowed. Kindergarten is not fifth grade. A quiet room is not a worse shield. The question a grown-up helps you ask is whether the state built a worse protection because of who someone is. Age and safety can be reasons the law will hear. “Only some children get the safe equipment because of who they are” is the pattern the sentence aims at. You do not have to settle every grown-up fight to hear that pattern.

Due process and equal protection are easy to mash into “be nice.” They are sharper. One is about *how* the state takes. The other is about *whom* the laws protect. A state can use a pretty hearing to do an ugly thing. A state can also skip hearings for the children it likes least. The paragraph forbids both shapes.

Words to Remember

“nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” — Fourteenth Amendment, Section 1 (National Archives)

That means: states must use a lawful process before taking big things, and they must not deny the laws’ protection to a person in their care.

Big Idea

Fair process and equal protection are two different promises. Both cover persons. Both bind states. Writing them down did not finish the work of keeping them.

Try This

1. Act out a fair way: someone is accused of cutting the line. What questions should be asked before a punishment? 2. Draw a shield. Write “the laws” on it. Draw more than one person standing under it. 3. With a grown-up, list three school rules. For each, ask: does this protect everyone here, or only some?

Ask a Grown-Up

When a rule protects some children and not others, how do you tell a fair difference (age, safety) from an unfair one?

Chapter 6: The Rest of the Paper



Illustration for Chapter 6

Section 1 is the famous paragraph. The amendment has five sections. Skipping the rest makes a poster.

Section 2, which you met in Chapter 1, changes the House count to whole persons. It also tries to punish a state that shuts adult men out of voting by cutting that state's chairs. That punishment is not the same as a right to vote. Another amendment, the Fifteenth, later forbids denying the vote because of race. The Section 2 punishment was not used when it was needed. Design and failure belong together.

Section 4 says the Union's war debt shall not be questioned, and that the country will not pay Confederate war debt or pay enslavers for people who were freed. That last choice is blunt: emancipation's cost is not a bill sent back to the people who held others as property.

Section 5 says Congress may enforce the amendment by "appropriate legislation." Courts can hear Section 1 cases. Congress can also pass laws to make the rules real. Both doors exist.

There is another section about who may hold office after joining a rebellion. This booklet leaves that section for older readers.

Ugly pieces stay on the page. "Excluding Indians not taxed." Male inhabitants, twenty-one, in the vote penalty. A crime exception. No payment for slaves. We name them. We do not preach them into villains or saints. They are choices in a Reconstruction instrument.

Why five sections? Because statutes had already failed. President Johnson vetoed the Civil Rights Act of 1866. Congress overrode the veto. The Joint Committee on Reconstruction still feared a later majority would repeal the statute. They put the core in the Constitution and gave Congress an enforcement engine. That is why Section 5 exists.

Some former Confederate states had to ratify the amendment before they got their seats in Congress back. That is an uncomfortable fact of how the rule became law. This booklet names it without calling the amendment fake and without calling the pressure holy.

The last honest beat is this: the sentence was written. People in charge sometimes ignored it. Schools had to take everyone, and it took a long time. A rule in a book is a beginning. Keeping it is the country's long work.

Three Reconstruction pages, three jobs. Do not mash them into one word called "civil rights." The Thirteenth says a person is not a slave. The Fourteenth says who the person is, and what the states must not do. The Fifteenth, later, says the vote shall not be denied because of race. If you cannot tell which paper does which job, you have the blob, not the chain.

People in charge ignored the new rule. That is not a secret ending. It is the last honest beat. Writing a sentence and keeping a sentence are different works. This booklet teaches the

writing. Keeping is the country's long work, and it is not finished just because a child can clap four jobs.

If you remember only three things from this booklet, remember these: whole persons for the House count; four jobs in Section 1, not one slogan; a speech is not a law. Everything else in these pages is how those three stay honest.

Words to Remember

"The Congress shall have power to enforce, by appropriate legislation, the provisions of this article." — Fourteenth Amendment, Section 5 (National Archives)

That means: Congress can pass laws to make these rules real, not only wait for a court.

Big Idea

The Fourteenth Amendment is a five-section tool from Reconstruction, not a single slogan about equality. Famous lines and quiet lines belong in the same booklet.

Try This

1. Fold a paper into five strips. Label 1 through 5. Put a star on strip 1 and still write a word on the others. 2. Tell a younger sibling or a stuffed animal: counting whole people, and giving a vote, are different jobs. 3. With a grown-up, look at a picture of the Constitution's amendments list. Find XIV.

Ask a Grown-Up

Which parts of a rule do we frame on the wall, and which parts do we skip because they are harder to love?

For the Grown-Up Reader

This elementary booklet follows Harry's little-band map: Section 1's first sentence, the end of fractional counting, and Gettysburg as speech rather than statute. It omits *Dred Scott*, Federalist 54, and Section 3, per the research handoff. Ugly clauses that a child can hear without the mixed-character essay — whole-person counting, the difference between seats and the vote, writing versus keeping — stay in.

Quotes are from the National Archives text of Amendment XIV; Bingham's 1866 House language on privileges and inborn rights; Howard's 23 May 1866 exclusions; and the Bliss copy of the Gettysburg Address (the classroom text on the Lincoln Memorial). Paraphrase is marked as paraphrase. The booklet does not claim the Fourteenth made hierarchy vanish in 1868. *Brown* is named as a school holding, not as the end of the story.

If a child asks about slavery, Taney, or “three-fifths of a person,” that conversation belongs with you, not as a sitting in this band. The young and high booklets take those texts on.

About WisdomForge

WisdomForge turns founding documents and great thinkers into booklets for every age. Each figure or document gets four booklets: ages 5–10, 11–14, 15–18, and adults. The same text, told at the right depth. Because the question the Fourteenth Amendment asks — who is the people, and will the states keep faith with them — is not a costume. It is still live.
