

Article III, Section 2: “The judicial Power shall extend to”
[controversies] between a State and Citizens of another State”

Amendment XI

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

AMENDMENT XIII

SECTION. 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION. 2. Congress shall have power to enforce this article by appropriate legislation.

Civil Rights Act of 1866

That **all persons born** in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby **declared to be citizens of the United States**; and such citizens, of **every race and color**, without regard to any **previous condition of slavery or involuntary servitude**, except as a punishment for crime whereof the party shall have been duly convicted, shall have the **same right, in every State and**

Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.

AMENDMENT XIV

SECTION. 1. 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. **No State shall make or enforce any law which shall**

**abridge the privileges OR
immunities of citizens of the
United States;**

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.

SECTION. 2. 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. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, **being twenty-one years of age,** and citizens of the United States, or in any way abridged, except for

participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION. 4. The validity of the

public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION. 5. The Congress shall have the power to enforce, by appropriate legislation, the provisions (liberty of due process clause - free exercise - SMITH) of this article.

AMENDMENT XV

SECTION. 1. The right of citizens of the United States to vote shall not be denied or abridged by the

United States or by any State on account of race, color, or previous condition of servitude.

SECTION. 2. The Congress shall have the power to enforce this article by appropriate legislation.

Civil Rights Act of 1875

“all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theatres, and other places of public amusement; subject only to the conditions and limitations established by law and applicable alike to citizens of every race and color, regardless of any condition of servitude.”

Article III, Section 2:

The judicial Power shall extend to all Cases, in Law and Equity, **arising under** this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority

28 U.S.C 1331

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

1. Free Exercise Clause (Smith - neutral law of general applicability does not burden religion)
 2. Free Exercise is a Liberty Interests protected by 14th Amendment Due process
 3. Through Section 5 of 14th Amendment, Congress has power to enforce these liberty interests
- Q: Can Congress, through Section 5, Enforce Greater than SMITH (protect more rights)

1. 14th Amendment Prevents States from discriminating based on gender
 2. Congress passed VAWA and adopted the Supreme Court's definition of gender discrimination (no expansion)
- Q: Is it "appropriate"?
- "Congruence and Proportionality"