

For instance, the United States Constitution had six or seven built-in liberties or guarantees of freedom that we take for granted today, but which were not taken for granted at that time.

First of all, it is a written document. As you perhaps well know, the basic law of the English government, the English constitution is unwritten. The great Magna Carta, which was a compact between King John and a number of his subjects with respect to certain freedoms and certain rights, has been reenacted some 32 times over the past six or seven hundred years since it was first written.

Second, the U. S. Constitution declares and states that it is the supreme law. Third, it provides for an independent judiciary. Fourth, it provides for specific powers and prerogatives of the legislature. Fifth, it provides for the election of the executive. Sixth, it provides for the separation into three distinct branches with controls, and checks and balances between the executive, judiciary and legislative branches. Seventh, it provides for amendments.

The Bill of Rights that was written for the United States Constitution did not apply to the states. The guarantees of freedom set forth in the federal Bill of Rights were early held to be applicable only to acts of Congress. At the end of the Civil War, among the amendments that were added to set up and protect the newly-freed slaves was the 14th Amendment. Let me just read to you very briefly that part of the Fourteenth Amendment which has become so important in our lives today.

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the states 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."

What does that mean? Well, the drafters, Representative John A. Bingham of Ohio and Senator Jacob M. Howard of Michigan, thought that it had two important meanings. First, it meant that it projected and incorporated the first eight amendments or nine amendments of the U. S. Constitution to states. The freedom guaranteed in those amendments were car-

ried over to and became obligatory to state action.

This amendment had a second meaning. In the words of Senator Howard, "It will, if adopted by the states, forever disable every one of them from passing laws trenching upon those fundamental rights and privileges which pertain to the citizens of the United States, and to all persons who happen to be within their jurisdiction."

"It establishes the equality before the law and gives to the humblest, the poorest, the most despised of the race, the same right and the same protection before the law as it gives to the most powerful, the most wealthy or the most haughty."

Well, it is history, and I am sure you are all aware of it, that a series of Supreme Court decisions greatly curtailed the effect of this amendment. In the Slaughter House cases, and in *Plessy v. Ferguson*, which was the famous case that permitted equal but separate rights, in *Hurtado v. California*, which held that the right to grand jury action was not a matter of due process, and in a dozen other particular and peculiar decisions, the great effect of the 14th Amendment was largely curtailed.

It was not until modern times that the Fourteenth Amendment, a great slumbering giant, really came into its own, and we now find that it is now one of the most important influences in our lives with respect to personal, individual freedoms and rights.

Back in 1925, the Supreme Court stated that the First Amendment guarantee of freedom of press and speech, was a right that was now recognized as applying to state action as well as to federal action. With the start made in that case, the Court has consistently enlarged this concept to the point where all aspects of the First Amendment are now applicable to states. This includes the freedom of speech and press, the right of assembly, freedom of religion, and the separation of church and state in the establishment clause.

The Court has also applied the provisions of the Fourth Amendment with respect to freedom from unreasonable search and seizure. It has extended through the Sixth Amendment the right to fair, speedy and public trials and, when the U. S. Supreme Court thinks it is necessary, a myriad of safeguards with respect to criminal procedures.