

The Reconstruction Amendments, Writs of Certiorari, and the Great Compromise

* The 13th Amendment banned 'the badges and incidences of slavery'. This is the reason why judges do not order specific performance upon a contractual breach. For example- let's say that a painter did not finish painting half of a house yet kept the entire price for painting. The homeowner sues the painter for not painting half of the house. A judge will award monetary damages and never orders the painter to actually paint....because 'specific performance' is seen as 'a badge and incidence of slavery'.

* The Supreme Court hears the majority of its cases through the process of a Writ of Certiorari. This appeal is not a matter of right, but rather a manner of discretion. The Court receives well over 7,000 Writ petitions per year and they only select 100 - 150, of these, to hear. All nine justices must agree to hear the Writ for it to be accepted.

* The Great Compromise (1787), resulting from the Constitutional Convention, is where a slave was established as 3/5 of a person. This was for census purposes. Each state was provided a certain number of seats, in the House of Representatives, based upon population. Southern states, primarily Virginia and South Carolina, wanted slaves to count as one person. This is because it would boost their population numbers and yield more seats in the House. Northern States, primarily New Jersey, were strongly opposed to this plan because it would unfairly provide too much House representation to states where many of the 'numbers' counted were considered legal property. The settlement was the Great Compromise.

* The Reconstruction Amendments extended citizenship (personhood) only to African-American men. Remember...women were not provided the right to vote until the 19th Amendment enacted in 1920. Further, there were many state laws that subjugated women by abrogating certain fundamental rights. For example: A woman could not own property without a man's signature, so her protection under the Due Process Clause was limited.