The Civil War Amendments And the Civil Rights Movement

What you need to know about the 13th, 14th and 15th Amendments, which were ratified during Reconstruction, and their application nearly a century later during the Civil Rights Movement.

Thirteenth Amendment
- Proposed by Congress
  January 31, 1865;
  Ratified December 18, 1865
- “Neither slavery nor involuntary servitude. . . shall exist within the United States, or any place subject to their jurisdiction.”

The Freedmen’s Bureau
Before he died, Lincoln and the Congress had set up the Freedmen’s Bureau in March of 1865, which was an agency of the federal government.
The Bureau helped African-Americans adjust to freedom by providing food, clothing, medical services, and avenues to education.
The Bureau also provided the freedmen with protection from violence.
The Bureau was intended to last one year.

Assassination of Lincoln
- Shot April 14, 1865 at Ford’s Theater, Washington, D.C., five days after Lee’s surrender
- Killed by John Wilkes Booth, Confederate sympathizer and actor
- Lincoln was the first President to be assassinated. (There have been four.)
- Though he had some critics while alive, Lincoln was now viewed as a martyr who gave his life for the Union.

What if Lincoln had lived?
He was interested in reuniting the country quickly, without vengeance. His plans for what a state had to do to be readmitted were fairly lenient. He thought punishing the South served no useful purpose, but some other Republicans who wanted to punish the South disagreed.
Many historians feel the process of Reconstruction (bringing the South back into the Union) would have gone more smoothly under Lincoln.

But instead, . . .
President Andrew Johnson

- Democrat from Tennessee who once owned slaves
- He was a self-educated man who did not think highly of people born into money and power.
- Did not believe in secession and remained loyal to the Union throughout Civil War
- He believed high ranking Confederate leaders had tricked Southern people into seceding.
- Chosen as Lincoln’s VP in 1864 as a symbol of unity

Johnson on Reconstruction

- Johnson called his plan “Restoration;” (sounds nicer!)
- Favored government controlled by whites; he did not like African-Americans and did not believe in equal rights for them.
- Blamed the richest plantation owners and the politicians for the Civil War – wanted to punish only them, not the small farmers or the Confederate soldiers
- In May 1865 Johnson issued pardons (or amnesty) to all rebels except office holders and richest planters
- His plan for readmission would allow pardoned Southern leaders to take charge of Reconstruction.
- Believed “White men alone must manage the South”

The Black Codes

- While Congress was not in session and with President Johnson’s approval, former Confederate states passed laws restricting the freedom of former slaves.
  - This was done state by state, so laws were different in different states.
  - Some states just substituted the word “freedman” for “slave” in their old slave codes.
  - Though they varied, all Black Codes were aimed at preventing African-Americans from achieving equality with whites.

Examples of Black Codes

- No meetings without whites present
- No travel without a permit
- No guns
- No attending school with whites
- No serving on juries
- No living in towns unless employed as a servant
- Must have a special license to work in a skilled profession

Some states had laws that said black people convicted of a crime could be made to work off their penalty in labor. What does that sound like?

Suffrage and the Radical Republicans

In addition to the restrictions placed on African-Americans by the Black Codes, new state constitutions in the former Confederate States denied former slaves the right to vote. (Suffrage)

Radical Republicans were adamant that freedmen should have the right to vote. Moderate Republicans did not feel it was an important priority.

Congress voted to extend the Freedman’s Bureau

- Congress voted in February 1866 to extend the life of the Freedmen’s Bureau due to the fact that there were many well publicized incidents of violence against African-Americans in the South. (Memphis and New Orleans were two notable examples)
- The Congress, which disagreed strongly with Johnson, felt the federal government should continue providing assistance to freedmen.
- Johnson vetoed the bill, citing Constitutional reasons, saying Congress was overstepping its boundaries.
- Johnson said it was not the role of the federal government to protect the freedmen.
Congress and Johnson clash over the Freedman’s Bureau

- Moderate and Radical Republicans, who disagreed with each other about African-American suffrage, agreed that they opposed Johnson regarding the Freedmen’s Bureau.
- When the Republicans in Congress united, they had the power to override any of Johnson’s vetoes.

Civil Rights Act of 1866

- In response to Johnson’s veto, Congress passed the Civil Rights Act of 1866, the first civil rights law in the history of the USA.
- Since Johnson said helping former slaves was not the federal government’s job, Congress made a law specifically stating otherwise – that the federal government had an obligation to protect everyone’s rights.
- The law declared everyone born or naturalized in the United States is a citizen and entitled to full civil rights of any other citizen.

Fourteenth Amendment Section 1 (The only part you need 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.

No state shall make or enforce any Laws which shall abridge the privileges or immunities of the 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.

Johnson vetoes; Congress overrides

- Just as he had done with the bill to extend the Freedmen’s Bureau, Johnson vetoed the Civil Rights Act of 1866.
- Congress promptly overrode both of the vetoes.
- The Freedmen’s Bureau was extended, the Civil Rights Act became law, and President Johnson was angry about both of these things and claimed the Republicans were traitors!

Fourteenth Amendment

- Congress wrote the Civil Rights Act of 1866 into the 14th Amendment in case the courts tried to get rid of the law by agreeing with Johnson.
- States must extend citizenship to anyone born or naturalized in USA.
- All citizens have equal protection under the law.
- The federal government must enforce this protection!

President Johnson called the Radical Republicans traitors for passing the Fourteenth Amendment and campaigned for Democrats in the 1866 Congressional Elections.

However, race riots in places like Memphis and New Orleans convinced northern voters that Johnson’s policies were wrong and they voted overwhelmingly for the Radical Republicans.

The Radical Republicans Come to Power in Congress
Reconstruction Acts of 1867

• With a commanding majority in Congress, the Radical Republicans passed their own plans.
• To ensure that former slaves were protected, Congress passed the Reconstruction Acts of 1867, dividing the South into five military districts.
• Union Troops would be stationed in these districts to maintain order and enforce equal protection.

Terms of Reconstruction

• If a state wanted to be formally readmitted into the Union, it had to complete the following tasks:
  • Each state had to ratify the Fourteenth Amendment;
  • Submit a new state constitution guaranteeing all men the right to vote;
  • Allow African-Americans to vote for and serve as delegates to state conventions.

Southern resentment of Reconstruction was quite significant!

Impeachment of President Johnson

• Knowing President Johnson would not cooperate with their Reconstruction policies, Congress tried to protect their position by passing the Tenure of Office Act in 1867 which required Senate approval before President could remove an appointed official confirmed by the Senate.
• To test the law, Johnson fired Secretary of War Edwin Stanton.
• The House of Representatives voted to impeach Johnson.

Senate Trial of 1868

• Charges against Johnson were weak and so critical that public opinion began to turn against Republicans.
• After eight weeks, the Senate – by one vote – acquitted the President of Impeachment.
• The Radical Republicans’ attempt to force Johnson out, as well as their support for African-American suffrage, cost them some of their popular support.

Election of 1868

• Republicans nominated Civil War hero Ulysses S. Grant.
• Close election, but Grant won on the strength of overwhelming African-American support.
**Fifteenth Amendment**

- To protect their political power, the Republican Congress drafted the 15th Amendment, which was ratified in 1870.
- Amendment says the right to vote may not be denied "on account of race, color, or previous condition of servitude."

**Reconstruction Governments**

- Many northern Republicans came to the southern states to participate in the state conventions. These unwelcome newcomers were known by southerners as "carpetbaggers."
- White southerners who supported Reconstruction and helped the newcomers were scornfully referred to as "scalawags," or scoundrels.
- To finance Republican reforms, the new state governments raised property taxes on southern farmers, increasing the resentment of Reconstruction.

**African American Activism**

- During this period of Reconstruction, many African Americans became involved in their state’s political process.
- During Reconstruction, more than 600 African Americans served in state legislatures and 16 served in the U.S. House of Representatives.
- Hiram Revels of Mississippi was elected to the United States Senate in 1870.

**Ku Klux Klan**

- The presence of northern Republicans and the growing participation of African Americans in southern politics led some angry whites to form secret terrorist groups.
- The Ku Klux Klan was founded in 1866 by six former Confederates.
- The first “Grand Wizard” was Nathan Bedford Forest, a Confederate army veteran.
- The Klan’s purpose was to prevent social and political equality of African-Americans through the use of fear, intimidation, and terror.

**Reconstruction becomes less of a priority with Republicans**

- Due to economic, social, and political developments, during the Grant Administration, Republicans began to lose support from the public and they lost interest in the idea of African-American suffrage.
- Economic “Panic of 1873” made Republicans shift their interests back to their own industries.
- Massive numbers of immigrants tended to vote Democratic in those days so the idea of “universal suffrage” lost its appeal with many Republicans.
- Serious political scandals involving corruption in the Grant administration caused Republican support to erode.

**The Election of 1876**

Democrat Samuel J. Tilden vs. Republican Rutherford B. Hayes
The Compromise of 1877

- Democrat Tilden won the popular vote, but results were disputed in four states, which involved 20 electoral votes.
- A commission of 15 individuals (8 Republicans and 7 Democrats) was established to settle the election.
- By an 8 to 7 vote, they declared Hayes the winner.
- When Democrats protested, Republicans offered to formally end Reconstruction if the Democrats would abide by the decision. Democrats agreed.

The Rise of Jim Crow

With Reconstruction over, Southern Democrats established state governments controlled exclusively by whites.

Segregation in the South

- In order to strip African-Americans of the right to vote, many states instituted poll taxes and literacy tests. These laws were enforced differently for whites and blacks.
- Southern states also began enacting segregation laws that came to be known as Jim Crow laws.
- Under these laws, schools, railroad cars, parks, public facilities, and even cemeteries were strictly segregated by race.

Enforcing Segregation

- Every now and then, someone would protest against the Jim Crow system in the South.
- Certain white citizen groups would take matters into their own hands.

Plessy v. Ferguson

In 1896, the United States Supreme Court upheld Jim Crow laws in a case involving Homer Plessy, (one eighth black) who was arrested for sitting in the whites only section of a New Orleans streetcar. He sued Louisiana on the grounds they had violated his 14th Amendment rights.

“Separate but Equal”

In 1896, The Supreme Court ruled that Louisiana, as well as other southern states, were not violating the 14th Amendment with their strict segregation laws as long as they provided “equal” facilities for African-Americans. This ruling allowed segregation to become a way of life in the South for the next several generations. These laws were not challenged again until the Civil Rights Movement of the 1950’s and 60’s.
A Way of Life in Many States

Throughout the last half of the 19th and much of the 20th centuries, signs like this one were commonly seen throughout America.

The Civil Rights Movement started in the 1950’s

Brown v. Board of Education

Topeka, Kansas

May 17, 1954

Not until 1954 was the 14th Amendment successfully used to argue a matter of civil rights.

Linda Brown’s lawyer, Thurgood Marshall, convinced The Supreme Court that segregated public schools were unconstitutional because separate education did not result in equal education.

Marshall later became the first African-American to serve on the Supreme Court.

The Murder of Emmett Till

Many people trace the roots of the modern Civil Rights Movement to the murder of 14 year old Emmett Till.

In 1955 Till’s mother sent the teenager to visit his uncle and cousins in the town of Money, Mississippi.

Till, who was from Chicago, made the mistake of “talking fresh” to a white woman.

Young Emmett was not familiar with the culture of the state regarding acceptable behavior for African-Americans.

The Till Trial

Till was taken from his uncle’s house in the middle of the night and found dead three days later.

Till’s mother opted to have an open casket at the funeral in Chicago to show the world what happened to her son.

Despite eyewitness accounts identifying the men who kidnapped Till, an all white jury in Mississippi declared the men not guilty.

The national outrage over the events provided a major spark in the Civil Rights Movement.

The Montgomery Alabama Bus Boycott

In 1955 Rosa Parks refused to give up her seat on a city bus to a white man.

African-Americans boycotted the buses for months.

In 1956 the Supreme Court ruled that Montgomery’s laws for segregation of public transportation was unconstitutional (Browder v. Gayle).

The Little Rock Nine

A famous episode of the Civil Rights Movement occurred in Little Rock, Arkansas when nine African-American students attended previously all white Central High School during the 1957-1958 school year.

The 101st Airborne had to be called in to calm the situation.
Freedom Riders seek to desegregate interstate buses in the summer of 1961

- The Freedom Riders were civil rights activists who rode interstate buses in mixed racial groups to challenge local laws or customs that enforced segregation in seating.
- The Freedom Rides, and the violent reactions they provoked, called national attention to the disregard for the federal law and the local violence used to enforce segregation in the South.
- Local police often arrested many of the riders for trespassing, unlawful assembly, and violation of state and local Jim Crow laws.
- In Alabama, a Greyhound Bus ridden by the Freedom Riders was firebombed.

Congress passed a civil rights law in 1964 making it a federal crime for any employer or public facility to discriminate on the basis of race.
- Martin Luther King spoke at a rally in D.C. on Aug. 28, 1963 in support of the bill
- What part of the Constitution empowered Congress to make such a law?

The Civil Rights Act of 1964

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Why 2008 is Significant

- When Barack Obama was born in 1961, it was still legal to refuse to serve him and his father in a restaurant or hotel.
- And yet, in 2008 he was elected President of the United States!

Why 2015 is Significant

- In June 2015, the United States Supreme Court interpreted the 14th Amendment guarantee of equal rights to all citizens to mean that the right to marry could not be restricted in any state to one man and one woman.

The 24th Amendment and Voting Rights Act of 1965

Ratified in 1964, the 24th Amendment forbids denying anyone the right to vote in a federal election for failure to pay a poll tax.

The 1965 Voting Rights Act put voter registration under the control of the federal government

This famous march in Selma, Alabama was in support of the Voting Rights Act

What You Should Know

- What led to the passage and ratification of the 13th, 14th, and 15th Amendments?
- How did the US Government enforce the 14th Amendment following the Civil War?
- Why did the U.S. Government stop enforcing the 14th and 15th Amendments in former Confederate states after 1877?
- What was “separate but equal?”
- What important cases, laws, and amendments, and events since 1954 helped to once again enforce the 14th and 15th Amendments?