

1865Southern states
pass black codes**1867**Radical
Reconstruction**1868**President Johnson
impeached**1868**Fourteenth
Amendment ratified**1870**Fifteenth
Amendment
ratified**1865****1866****1867****1868****1869****1870**

2 Congressional Reconstruction

SECTION PREVIEW

Objectives

- 1 Describe the relationship between the black codes and Fourteenth Amendment.
- 2 Summarize the effects of Radical Reconstruction and of the Fifteenth Amendment.
- 3 Analyze conditions in the South under Republican government.
- 4 **Key Terms** Define: black codes; Fourteenth Amendment; civil rights; impeach; Fifteenth Amendment; carpetbagger; scalawag.

Main Idea

As southern states moved to limit freedmen's rights, Congress took over Reconstruction and passed new laws to protect African Americans' freedom.

Reading Strategy

Problem Solving In the late 1860s, southern states were putting ex-Confederates back in power and trying to keep freedmen in slavlike conditions. List some possible solutions to this problem. As you read, take specific notes on how Congress actually responded.

Black southerners in 1865 faced unseen dangers on the road to freedom. For many African Americans, the initial surge of joy quickly turned to a thousand worrisome questions.

How would freedmen feed and house themselves? Who would take care of the old, the sick, and the orphaned? How could families leave the plantation to seek a better life? Where could they get help in a place where some angry ex-Confederates still carried a gun and a grudge?

Black Codes

Defeat in war had not changed the fact that white people still dominated southern society. As one white Georgian noted: "[The freedman] has no land; he can make no crops except the white man gives him a chance. . . . He can scarcely get work anywhere but in the rice-fields and cotton plantations. . . . What sort of freedom is that?"

Indeed, one of the main goals of the Civil War, freedoms for enslaved people, was being

rolled back. One by one, southern states met Johnson's Reconstruction demands and were restored to the Union. The first order of business in these new, white-run governments was to enact **black codes**, laws that restricted freedmen's rights. The black codes established virtual slavery with provisions such as these:

Curfews. Generally, black people could not gather after sunset.

Vagrancy laws. Freedmen convicted of vagrancy—that is, not working—could be fined, whipped, or sold for a year's labor.

Labor contracts. Freedmen had to sign agreements in January for a year of work. Those who quit in the middle of a contract often lost all the wages they had earned.

Limits on women's rights. Mothers who wanted to stay home and care for their families were forced instead to do farm labor.

Land restrictions. Freed people could rent land or homes only in rural areas. This forced them to live on plantations.

Southern defiance of Reconstruction enraged northern Republicans in Congress.

They blamed President Johnson for southern Democrats' return to power. Determined to bypass Johnson, Congress used one of its greatest tools: the power to amend the Constitution.

Turning Point: Fourteenth Amendment

In early 1866 Congress passed a Civil Rights Act that outlawed the black codes. Johnson vetoed the measure. As President, Johnson was head of the Republican party. Yet instead of leading congressional Republicans, he was often at odds with them.

As an unelected former Democrat, Johnson had no mandate to govern. A mandate is voter approval of a politician's policies that is implied when he or she wins an election. Lack of a mandate limited Johnson's ability to influence Congress.

Congress overrode the President's veto. Then it took further action. Concerned that courts might strike down the Civil Rights Act, Congress decided to build equal rights into the Constitution. In June 1866 Congress passed the **Fourteenth Amendment**, which was ratified by the states in 1868. The amendment states:

KEY DOCUMENTS

“All persons born or naturalized in the United States . . . 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. . . .”

—Fourteenth Amendment, Article XIV, Section 1



TURNING POINT: The Fourteenth Amendment

Ratification of this landmark amendment made possible future victories for American citizens seeking “equal protection of the laws,” as the time line below illustrates.



1868

The Fourteenth Amendment is ratified.

1938

Congress passes the Fair Labor Standards Act, banning child labor and setting a minimum wage and maximum hours.



In the 1960s and beyond, women and minorities sought “equal protection” in jobs, housing, and other areas.



1850

1900

1950

2000

1920

American women gain the right to vote with passage of the Nineteenth Amendment. Photo (left) shows women filling in a map to show states that had approved the amendment.



1992

Carol Moseley-Braun becomes the first African American woman elected to the United States Senate.



The full text of the Fourteenth Amendment is on page 166–167. Its effects have echoed throughout American history, as shown in the time line on the previous page.

Radical Reconstruction

The congressional Republicans who drafted the Fourteenth Amendment consisted of two major groups. One group was the Radical Republicans. Radicals were small in number but increasingly influential. Most Republicans, however, saw themselves as moderates. In politics, a moderate is someone who supports the mainstream views of the party, not the more extreme positions.

Moderates and Radicals both opposed Johnson's Reconstruction policies, opposed the spread of black codes, and favored the expansion of the Republican party in the South. But moderates were less enthusiastic over the Radicals' goal of granting African Americans their **civil rights**, citizens' personal liberties guaranteed by law, such as voting rights and equal treatment. (See Government Concepts at right.) Racial inequality was still common in the North, and moderates did not want to impose stricter laws on the South than those in the North.

The North Grows Impatient This reluctance began to dissolve in early 1866, as word spread of new violence against African Americans. In April, the famous Civil War nurse Clara Barton gave graphic testimony in Congress about injured black victims she had treated. During the next three months, white rioters went on rampages against African Americans in Memphis, Tennessee; New Orleans, Louisiana; and New York City. White police joined in the stabbings, shootings, and hangings that killed hundreds.

Despite public outrage against the brutality, Johnson continued to oppose equal rights for African Americans. In the 1866 congressional elections, he gave speeches urging states not to ratify the Fourteenth Amendment. Angry northern voters responded by sweeping Radical Republicans into Congress. Now, Radicals could put their own Reconstruction plans into action.

Strict Laws Imposed Calling for “reform, not revenge,” Radicals in Congress passed the Reconstruction Act of 1867. Historians note that this was indeed a “radical” act in American history. These are its key provisions:

(1) It put the South under military rule, dividing it into five districts, each governed by a northern general. (See map on the next page.)

(2) It ordered southern states to hold new elections for delegates to create new state constitutions.

(3) It required states to allow all qualified male voters, including African Americans, to vote in the elections.

(4) It temporarily barred southerners who had supported the Confederacy from voting.

(5) It required southern states to guarantee equal rights to all citizens.

(6) It required the states to ratify the Fourteenth Amendment.

Congress and the President The stage was now set for a showdown that pitted Johnson against two powerful Radical Republicans in Congress. Massachusetts Senator Charles Sumner, a founder of the Republican party, was a passionate abolitionist who sought voting rights for black Americans.

In the House, Johnson faced Thaddeus Stevens, a Pennsylvania congressman with a stern face and a personality to match. Stevens led the charge that threatened to bring down Johnson's presidency.

At face value, the contest was a test of wills between the President and his congressional adversaries. Yet it was also a power struggle between the legislative and executive branches of government, a test of the system of checks and balances established by the Constitution.

A Power Struggle The crisis began in early 1868, when Johnson tried to fire Secretary of War Edwin Stanton, a Lincoln appointee. Johnson wanted Stanton out because, under the new Reconstruction Act, Stanton, a friend of the Radicals, would preside over military rule of the South.

GOVERNMENT CONCEPTS

civil rights: the rights to which every citizen is entitled

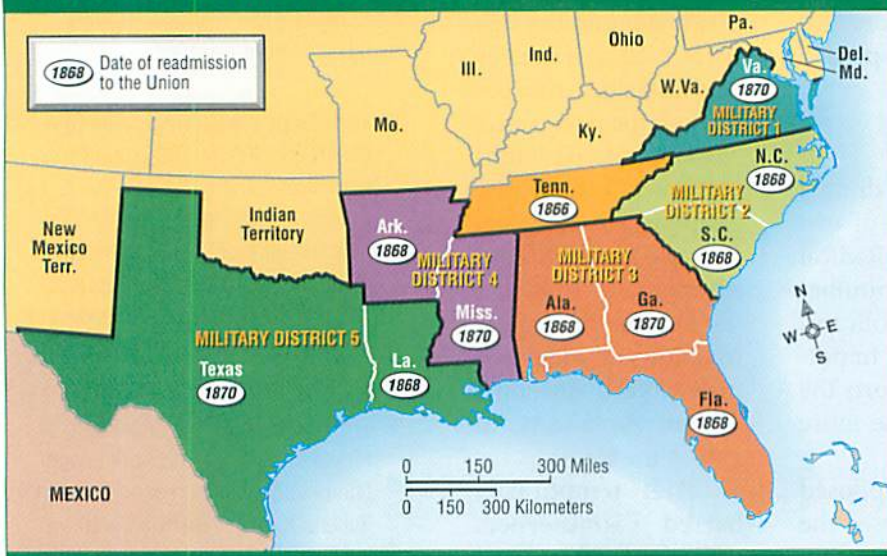
▼ **The Historical Context:** The first Civil Rights Act, in 1866, guaranteed citizenship to African Americans. The second, in 1875, guaranteed them equal rights in public places. More fundamentally, in 1868 the Fourteenth Amendment made protection of civil rights part of the Constitution.

▼ **The Concept Today:** Violations of African Americans' civil rights continued and even increased following Reconstruction. Nearly a century later, the civil rights movement of the 1950s and 1960s fought to erase laws that discriminated against African Americans. Today it is illegal to discriminate on the basis of race.

Main Idea CONNECTIONS

What were the main goals of Radical Reconstruction?

Radical Rule of the South



President Lincoln had hoped to restore southern state governments to "successful operation, with order prevailing and the Union reestablished," by December 1865. Under Radical Republican rule, however, this did not happen for more than a decade.

Place Which state was the first to rejoin the Union? Which states rejoined in 1870?

The firing of Stanton directly challenged the Tenure of Office Act just passed by Congress in 1867. The act placed limits on the President's power to hire and fire government officials.

Under the Constitution, the President must seek Senate approval for candidates to fill certain jobs, such as Cabinet posts. The Tenure of Office Act demanded that the Senate approve the firing of those officials as well, thereby limiting the President's power to create an administration to his own liking. The act also took away the President's constitutional powers as commander in chief of the armed forces.

Johnson Impeached Led by the fiery Stevens, the House found that Johnson's firing of Stanton was unconstitutional. On February 24, 1868, House members voted to **impeach** him—to charge him with wrongdoing in office. Johnson became the first and only President ever impeached.

As called for by the Constitution, in May 1868 the Senate tried President Andrew Johnson for "high crimes and misdemeanors." If two thirds of the senators were to vote for

conviction, Johnson would become the first and only President ever removed from office.

The historic vote took place on May 16, 1868. When all the "ayes" and "nays" were counted, Johnson had escaped by the closest of margins: one vote.[†] The crisis set the precedent that only the most serious crimes, and not merely a dispute with Congress, could remove a President from office.

Grant Is Elected President Johnson, as the saying goes, "won the battle but lost the war." He served the remaining months of his term, but with no mandate and no real power. Rejected by the party that had never really embraced him, Johnson went back to Tennessee and regained his Senate seat—as a Democrat.

In the 1868 election, Republicans chose a trusted candidate who was one of their own: the victorious Civil War general, Ulysses S. Grant. In a close race, Grant beat Democrat Horatio Seymour, former governor of New York. Now, Congress and the President were allies, not enemies.

The Fifteenth Amendment

Across the South, meanwhile, freedmen were beginning to demand the rights of citizenship: to vote, to hold public office, to serve on juries, and to testify in court. In a letter to the Tennessee constitutional convention dated January 9, 1865, Nashville freedmen eloquently presented the case for black voting rights:

[†] All but one senator had declared their votes even before the trial had begun. The lone holdout was Kansas Republican Edmund G. Ross, an opponent of Johnson. His yes vote would have given Radicals the two-thirds majority needed to convict. Despite bribes and threats, Ross insisted on hearing the evidence before deciding. In the end he felt there was insufficient evidence, and he voted with the Democrats and six other Republicans not to convict. For following his conscience, Ross was severely condemned and eventually forced out of office.

AMERICAN VOICES

“If [freedmen] are good law-abiding citizens, praying for its prosperity, rejoicing in its progress, paying its taxes, fighting its battles, making its farms, mines, work-shops and commerce more productive, why deny them the right to have a voice in the election of its rulers?”

—The “black citizens of Nashville”

The letter received no known response. Yet African Americans, and their supporters in Congress, pressed on. (See Comparing Primary Sources on the right.)

In February 1869, at the peak of Radical power, Congress passed the **Fifteenth Amendment** to the Constitution. It stated that no citizen may be denied the right to vote “by the United States or by any State on account of race, color, or previous condition of servitude.” Ratified in March 1870, the Fifteenth Amendment was the last major piece of Reconstruction legislation.

The Supreme Court added its weight to the federal Reconstruction effort in 1869. In *Texas v. White*, the Court upheld Congress’s right to restructure southern governments. The ruling added new support for federal power over states’ rights.

In 1870, with federal troops stationed across the South and with the Fifteenth Amendment in place, southern black men proudly voted for the first time. Most voted Republican, while many angry white voters stayed home. The unique situation swept Republicans, including hundreds of freedmen, into public office in the South.

More than 600 African Americans were elected to southern legislatures. Louisiana gained a black governor, P.B.S. Pinchback. Sixteen black men went to Congress. In 1874, Mississippi sent to the Senate a former slave, Blanche Bruce.

Blanche K. Bruce

AMERICAN BIOGRAPHY

A boy born into slavery in 1841 could expect little more than a life of servitude. Blanche K. Bruce was more fortunate than some. Growing up in Virginia and Missouri, he shared a tutor with his master’s son. Bruce later attended Oberlin College in Ohio, until his money ran out.

Bruce then moved to Mississippi and recruited Republicans from among freedmen

COMPARING PRIMARY SOURCES

VOTING RIGHTS FOR AFRICAN AMERICANS

The question of whether to extend voting rights to African Americans was hotly debated in the 1860s.

In Favor of Voting Rights

“If impartial suffrage is excluded in rebel States, then every one of them is sure to send a solid rebel representative delegation to Congress, and cast a solid rebel electoral vote. They . . . would always elect the President and control Congress. . . . I am for negro suffrage in every rebel state. If it be just, it should not be denied; if it be necessary, it should be adopted; if it is a punishment to traitors, they deserve it.”

—Speech by
Thaddeus Stevens,
Radical Republican,
January 3, 1867

Opposed to Voting Rights

“Most of the whites are disenfranchised [not legally able to vote] and ineligible for office, whilst the Negroes are [granted] the right of voting. The political power is therefore thrown into the hands of a mass of human beings who, having just emerged from a state of servitude [slavery], are ignorant of the forms of government and totally unfit to exercise this, the highest privilege of a free people.”

—Henry William Ravenel,
South Carolina planter,
journal entry for
February 24, 1867

ANALYZING VIEWPOINTS Compare the main arguments made by the two writers.

on the plantations. In 1871 he ran for sheriff of Bolivar County, Mississippi. In a debate, his opponent, a white Democrat, called Bruce “a slave who did nothing but wait on his master.”

“It is true that I was a house slave,” Bruce replied. “But I freed myself, educated myself, and raised myself up in the world. If my opponent had started out where I did, he would still be there.”

Bruce won the sheriff’s post, and held other government jobs as well. He worked to ease racial and political tensions, earning respect from Radical and moderate Republicans—even white planters who opposed Reconstruction. In 1874 Bruce won election to the United States Senate.

In Congress Bruce worked to help African Americans. He opposed moves



Blanche K. Bruce
(1841–1898)

to encourage black people to relocate in the West African country of Liberia. Instead he urged freedmen to stay, get an education, and fight for equality. At his death in 1898, Blanche Bruce was said to be second only to Frederick Douglass as a leader of African Americans. ■

The Republican South

During Radical Reconstruction, the Republican party was a mixture of people who had little in common but a desire to prosper in the postwar South. This strong bloc of voters included freedmen and two other groups.



The carpetbag became a symbol of corruption and greed.

Carpetbaggers Northern Republicans who moved to the postwar South became known as **carpetbaggers**. Southerners gave them this insulting nickname, which referred to a type of cheap suitcase made from carpet scraps. The name implied that these northerners had stuffed some clothes into a carpetbag and rushed in to profit from southern misery.

Carpetbaggers were often depicted as greedy men seeking to grab power or make a fast buck. Certainly the trainloads of northerners who disembarked in southern cities included some profiteers and swindlers. Yet historians point out that most carpetbaggers were honest, educated men. They included former union soldiers, black northerners, Freedmen's Bureau officials, businessmen, clergy, and political leaders.

Scalawags In the postwar South, to be white and a southerner and a Republican was to be seen as a traitor. Southerners had an unflattering name for white southern Republicans as well: **scalawag**, originally a Scottish word meaning "scrawny cattle." Some scalawags were former Whigs who had opposed secession. Some were small farmers who resented the planter class. Still others were former planters. Many scalawags, but not all, were poor.

Many Southern whites, resenting the power of freedmen, carpetbaggers, and scalawags, criticized the Reconstruction governments as corrupt and incompetent. In reality, Reconstruction legislatures included honest men and dishonest men, qualified politicians and incompetent ones, literate men and a few illiterate ones. Today, most historians agree that these officials were no worse and no better than officials in other regions of the country at this time.

SECTION 2 REVIEW

Comprehension

- 1. Key Terms** Define: (a) black codes; (b) Fourteenth Amendment; (c) civil rights; (d) impeach; (e) Fifteenth Amendment; (f) carpetbagger; (g) scalawag.
- 2. Summarizing the Main Idea** Why did Congress take over Reconstruction, and what policies did it create?
- 3. Organizing Information** Create a cause-and-effect chart on Radical Reconstruction.

Critical Thinking

- 4. Analyzing Time Lines** Review the time line at the start of the section. Write a phrase or

sentence that connects each entry to the entry that follows it.

- 5. Drawing Conclusions** How was the impeachment of Andrew Johnson a test of the nation's system of checks and balances?

Writing Activity

- 6. Writing an Expository Essay** From the perspective of a journalist traveling in the postwar South, write an expository essay describing the effects of Republican government on the region.