

Handout A: Equality and the Civil War Student Packet

Directions:

Refer to your class definitions of equality, federalism, and checks and balances as you annotate the timeline table and complete the tasks below. You will use the timeline to answer the Unit 4 Guiding Question: To what extent did the Civil War and Reconstruction lead to the fulfillment of the promises of the Founding regarding the proposition that all men are created equal? In your response, be sure to consider how differing approaches to the principles of federalism and checks and balances over time affected the ability of African Americans to exercise their inalienable right to equality by 1876.

In the Summary column, underline the document, speech, or event if it supported or moved toward fulfillment of the constitutional principle of equality. Circle the event if it failed to advance equality. You might mark different parts of a given description with two annotations. In the Principles column, note whether the principles of federalism and checks and balances are related to the event. For some events, you may not see a connection to either of these principles. Prepare to defend your responses.

Timeline 1848–1876: Events Related to Equality:

Principles Present in the Document, Speech of Event: Federalism; Checks and Balances	Summary of Document, Speech, or Event: Underline the event with if it supported or moved toward fulfillment of the constitutional principle of equality. Circle the event if it failed to advance equality.
	1848. The Free Soil Party was organized, promoting a moderate position regarding slavery: leave slavery alone where it is, but stop its expansion. The Free Soil Party formed the foundation of Republican Party.
	1850–1860. Harriet Tubman escorted more than 300 enslaved people to freedom using the Underground Railroad. After her own escape from slavery in 1849, Tubman made 19 trips into the South to escort other slaves in escaping to free states or to Canada. Each leg of the trip took Tubman seven weeks; she used various disguises and walked almost 90 miles from Maryland to Philadelphia, usually traveling in the winter and at night. Known as Moses, she never lost a passenger.

Timeline 1848–1876: Events Related to Equality (cont.)

	<p>1850. In the Compromise of 1850, Congress voted to admit California as a free state while enacting a tougher Fugitive Slave Law. Henry Clay and Daniel Webster helped shepherd the Compromise through the legislative process. They considered the compromise an effort to preserve the Union and honor the sacrifices of the Founders. Although Webster acknowledged conflicting interests of both the North and the South, he noted that at the Founding, slavery was almost universally seen as evil.</p>
	<p>1850. The Fugitive Slave Act required northern law enforcement officers and local governments to assist slave -catchers in returning fugitive slaves to their owners. The law denied the runaways the right to a jury trial and the right to testify in their own defense. Furthermore, it imposed hefty fines for officials who failed to cooperate in the return of runaways and it offered bounties to those who captured individuals found to be runaway slaves. One result of the law was an increase in kidnappings of free blacks.</p>
	<p>1851. The brutality of kidnappings and the capture of Thomas Sims and other runaway slaves spurred a backlash among abolitionists, especially in such cities as Boston and Cleveland. The Fugitive Slave Act helped prompt Harriett Beecher Stowe to write her abolitionist novel, <i>Uncle Tom's Cabin</i>, published in 1852, and increased abolition activity by influential speakers and authors like Henry David Thoreau.</p>
	<p>1856. Kansas Nebraska Act and Bleeding Kansas: On May 30, President Pierce signed into law Stephen A. Douglas's bill providing for popular sovereignty regarding slavery in the territories. The new law reopened what had been considered a settled issue under the Missouri Compromise, making every state in the Union potentially a slave state. Pro- and antislavery settlers rushed to move to Kansas, prompting fraud, violence, and intimidation, and provided a prelude to the Civil War.</p>

Timeline 1848–1876: Events Related to Equality (cont.)

	<p>1857. <i>Dred Scott v. Sanford</i>: An enslaved couple, Dred Scott and his wife Harriet, sued for their freedom because they had lived in a free state and a free territory for ten years before coming back to Missouri. Chief Justice Taney wrote the majority opinion ruling that the “enslaved African race” was “excluded from civilized Governments and the family of nations, and doomed to slavery,” so the descendants of slaves could never be citizens and had no right to sue in federal court. Also, because “no word can be found in the Constitution which gives Congress a greater power over slave property” than over other kinds of property, the Missouri Compromise was invalidated and slaveholders were entitled to have their property in human beings protected in any state in the Union.</p>
	<p>1860. The election of Abraham Lincoln, who opposed the spread of slavery and maintained that Congress had the power to regulate slavery in the territories, was quickly followed by the secession of South Carolina. Within six months, ten additional states seceded, forming the Confederate States of America.</p>
	<p>1860. In Lincoln’s First Inaugural Address on March 4, he said, “I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so. . . [N]o State, upon its own mere motion, can lawfully get out of the Union; . . . and that acts of violence, within any State or States, against the authority of the United States, are insurrectionary or revolutionary. . . In your hands, my dissatisfied fellow countrymen, and not in mine, is the momentous issue of civil war. The government will not assail you. You can have no conflict without being yourselves the aggressors. You have no oath registered in Heaven to destroy the government, while I shall have the most solemn one to ‘preserve, protect and defend’ it. . . .” Five weeks later, Confederates opened fire on Fort Sumter, beginning the Civil War. Despite many advantages over the Confederacy, the Union fared poorly in early battles.</p>

Timeline 1848–1876: Events Related to Equality (cont.)

	<p>1865. Cities and states enacted Black Codes. The end of slavery did not bring the end of prejudice or discrimination against African Americans. Across the South, cities and states adopted Black Codes to regulate the behavior of freedmen. For example, in Mississippi, freedmen could acquire some personal property, but they could not buy land. They could marry, but marrying whites was prohibited. Freedmen were required to petition the city's mayor to receive a license to work, but the license could be revoked at any time. Across the South, leaders sought to restore a rigid, race-based caste structure.</p>
	<p>1866. Congress enacted the Civil Rights Act of 1866 providing citizenship and a guarantee of civil rights for blacks. Andrew Johnson vetoed the bill because he believed it to be unconstitutional because it infringed the authority of the states. Johnson maintained that the freedmen did not have the knowledge and skills necessary to be good citizens. Johnson believed federalism would be destroyed because a permanent federal military force would be necessary to enforce the law, allowing the federal government to gain excessive power at the expense of the states. Congress enacted the law over the president's veto.</p>
	<p>1866. The Freedmen's Bureau was given additional powers and responsibilities, attempting to ameliorate the desperate social and economic conditions of freedmen.</p>
	<p>1867. Congress and the president squared off against one another as both houses approved four different Reconstruction Acts in 1867–1868. Johnson vetoed each one, and Congress enacted each one over the president's vetoes. Among other changes, Congress divided the former Confederacy into five military districts and required elections in which African American men could vote, with those elections supervised by the military.</p>

Timeline 1848–1876: Events Related to Equality (cont.)

	1867. At the Republican National Convention in New Orleans, the party platform endorsed equality for blacks.
	1868. The feud between Congress and President Johnson continued; during March through May 1868, Congress impeached Johnson and the Senate tried him. Radical Republicans failed to convict Johnson by one vote. For the remainder of his presidency, Johnson vetoed laws he believed to be unconstitutional, and Congress overrode his vetoes, but the president carried out the laws once they were enacted.
	1868. The Fourteenth Amendment was ratified, providing for birthright citizenship on both the state level and the national level. In addition, the Fourteenth Amendment provided that the states must implement due process and equal protection of the laws.
	1869. Racial tension in the South increased as the KKK and other white supremacist organizations used violence and intimidation to stifle any chance for African Americans to hold political power. As states met their requirements for reinstatement in the Union and federal troops departed, the “Redeemer” governments, largely led by former Confederate officials, returned power to whites in the South.
	1870. The Fifteenth Amendment to the Constitution was ratified, protecting the right of African American men to vote.
	Early 1870s. The planters and southern elites were back in charge in much of the South and many of the Freedmen’s Bureau’s gains were undone.
	1872. The Freedmen’s Bureau was abolished.

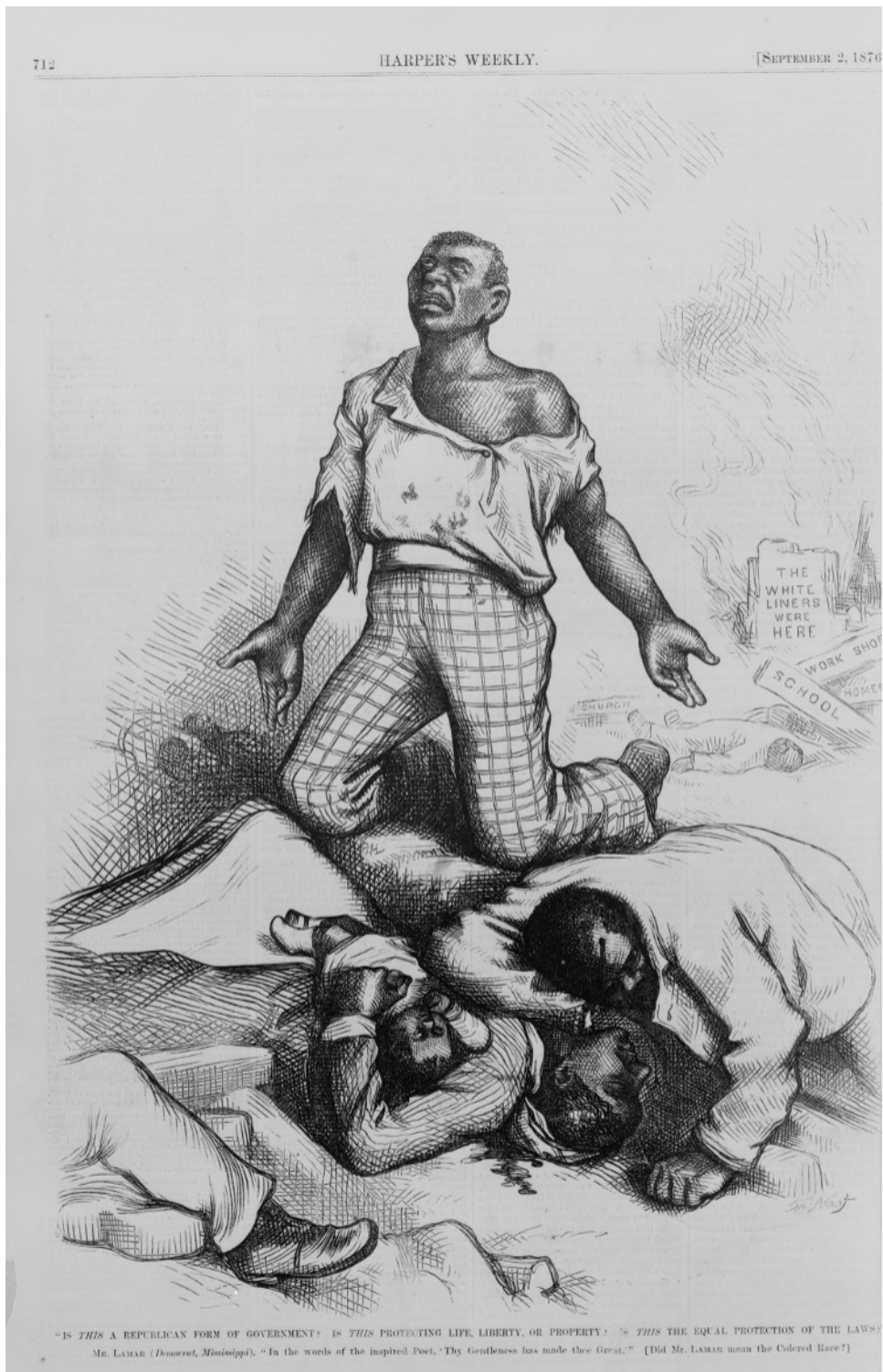
Timeline 1848–1876: Events Related to Equality (cont.)

	<p>1873. Influence of the Ku Klux Klan and other white supremacist organizations grew in the South. The Reconstruction amendments had abolished slavery, recognized freed blacks as citizens entitled to due process and equal protection of the laws, as well as guaranteeing the right of black men to vote. These reforms led to a white supremacist backlash in the form of KKK violence, intimidation, beatings, and murder. In Kansas, Georgia, and Louisiana, thousands of politically motivated murders were carried out. An example was the Colfax Massacre of April 13, 1873, in which violence broke out between white supremacists and freedmen in a local election. Rioters set the courthouse on fire, and three whites and more than 100 blacks were murdered. Threats based on the “Colfax system of violence” intimidated freedmen throughout the South.</p>
	<p>29. 1870s. End to Reconstruction and to blacks’ participation in politics. Grant initiated a legislative program to protect freed people from politically motivated violence, and Congress enacted the Enforcement Act of 1870 (also called the Ku Klux Klan Act), and the Enforcement Act of 1871 (Second KKK Act). Grant asked Congress for a law giving him more power against KKK, to “effectually secure life, liberty, and property and the enforcement of law in all parts of the United States.” The result was the third Enforcement Act, the Ku Klux Klan Act of 1871, giving the president power to use armed forces to combat those who conspired to deny equal protection of the law suspend habeas corpus. In South Carolina, Grant suspended habeas corpus in nine counties and disrupted the Klan network. The laws were quickly challenged in court. In the Slaughterhouse Cases, (1873), and United States v. Cruikshank (1876), the Supreme Court ruled that neither the Fourteenth nor Fifteenth Amendments were intended to increase the power of the federal government to directly enforce the civil and political rights of citizens. State courts were back in charge of civil rights claims, and a narrow interpretation of Reconstruction Amendments had resulted in a return to white rule in the South.</p>

Timeline 1848–1876: Events Related to Equality (cont.)

	1875. The Civil Rights Act of 1875 granted equal rights to African Americans in public accommodations and jury service.
	1876. The disputed presidential election was resolved when an extra-constitutional special election commission awarded disputed votes in South Carolina, Louisiana, and Florida to Republican Rutherford B. Hayes.
	1877. Reconstruction ended when Hayes withdrew federal troops from the South, ending federal protection of civil rights for blacks.
	1883. Civil Rights Cases: The Supreme Court ruled that the Civil Rights Act of 1875 was unconstitutional.
	1870. The Fifteenth Amendment to the Constitution was ratified, protecting the right of African American men to vote.
	Early 1870s. The planters and southern elites were back in charge in much of the South and many of the Freedmen's Bureau's gains were undone.
	1872. The Freedmen's Bureau was abolished.

Document 1: “He Wants Change, Too” by Thomas Nast



1876 political cartoon by Thomas Nast depicting an African American man kneeling by bodies of murdered African American people. (Source: Nast, Thomas. “He Wants Change, Too.” Harper’s Weekly, October 28, 1876.)

Questions:

1. Analyze the Thomas Nast cartoon provided by answering the questions in the caption: “Is this a republican form of government? Is this protecting life, liberty, or property? Is this the equal protection of the laws?” In your response, be sure to consider how differing approaches to the principles of federalism and checks and balances affected the opportunity of African Americans to exercise their inalienable rights by 1876.
2. Follow your teacher’s instructions to respond to the Guiding Question: To what extent did the Civil War and Reconstruction lead to the fulfillment of the promises of the Founding regarding the proposition that all men are created equal?