

Re: Notes w/ Outline for Chpt. 6

IV. 14th Amendment

A. The Revolution Goes Forward

To assure that the provisions of the Civil Rights Act was not vulnerable to a Supreme Court override the Republicans draft the 14th Amendment. Section One of the Amendment defines citizenship: Dually regarded as both state/federal. . . . IN the narrowest sense the Amendment was to protect freedmen from any future restrictions of their civil rights by any reimposition of the likes of the Black Codes, etc.

[Aside: Did Republicans also see the full meaning of "equal protection of the laws" that would be used during our 2nd Reconstruction in terms of ending Jim Crow in the South, etc.] The Civil Rights Act of 1875 would define clearly the anti-segregation intent or developed intent.

Other sections of the Amendment:

(1) Suffrage. Not included in any direct way. Republicans waffled here. But would grant suffrage under the 15th Amendment that became law in 1870.

(2) Section 4 prohibited those Southerners who took an oath of allegiance to the Constitution and then broke this oath by serving the Confederacy would be prohibited from serving in public office until pardoned by 2/3s vote of Congress.

Most Southerners were out from under this disability when Congress passed a sweeping amnesty act in 1872.

B. Congressional Reconstruction of 1867--These set of three acts starts Reconstruction all over again two years after the end of the war.

Under these acts the Johnson govts. were turned out except for Tennessee which had ratified the 14th Amendment. All the other Johnson govts with Johnson's encouragement refused to ratify the 14th Amendment and so went under Congressional Reconstruction.

The new Congressional program the South was divided into five military districts headed up by a Union General.

Suffrage was extended to the freemen.

State constitutional conventions were to be elected and draft new state constitutions including the ratification of the 14th Amendment

The Era of Reconstruction

it be done by the irresponsible power of numbers, and let us preserve our self-respect, and the respect of our posterity, by refusing to be the mean instrument of our shame." Tennessee, however, ratified the amendment in July, and Congress quickly agreed to seat Senators and Representatives from that state once more. When the radical Unionist Governor William G. Brownlow notified the Senate that Tennessee had ratified, his telegram concluded: "Give my respects to the dead dog in the White House."

This increasingly bitter conflict set the tone for the wild political campaign that preceded the congressional elections of 1866. From late August to mid-September, Johnson went on a speaking tour that carried him as far west as Chicago and St. Louis; he was convinced that he needed merely to carry his message to "the people" to win their support. But his "swing around the circle" was a disaster for him and for the conservative cause. His speeches were, as Gideon Welles described them, "essentially but one speech often repeated"—they were rambling, vulgar, vindictive, and loaded with self-pity. In Cleveland he denounced Congress as "factious, domineering, tyrannical." When urged to hang Jefferson Davis, he retorted: "Why don't you hang Thad. Stevens and Wendell Phillips? I can tell you, my countrymen, I have been fighting traitors in the south, and . . . I am prepared to fight traitors at the north, God being willing with your help." The following passage from his Cleveland speech shows him at his worst:

I care not for malignity. There is a certain portion of our countrymen that will respect their fellow-citizen whenever he is entitled to respect, and there is another portion that have no respect for themselves, and consequently have none for anybody else. I know a gentleman when I see him. And furthermore, I know when I look a man in the face—[Voice, "Which you can't do."]

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IV: Triumph of the Radicals

I wish I could see you; I will bet now, if there could be a light reflected upon your face, that cowardice and treachery could be seen in it. Show yourself. Come out here where we can see you. If ever you shoot a man, you will stand in the dark and pull your trigger. I understand traitors: I have been fighting them for five years. We fought it out on the southern end of the line; now we are fighting in the other direction. And those men—such a one as insulted me to-night—you may say, has ceased to be a man, and in ceasing to be a man shrunk into the denomination of a reptile, and having so shrunk, as an honest man, I tread on him. I came here to-night not to criminate or recriminate, but when provoked my nature is not to advance but to defend, and when encroached upon, I care not from what quarter it comes, it will find resistance, and resistance at the threshold.

about my friend Dr. See Mr. Gray

Johnson's friends were mortified that the President, as Henry J. Raymond wrote in the *New York Times*, "did not care about his dignity." He cannot, added Raymond, "enter upon an exchange of epithets with the brawling of a mob, without seriously compromising his official character and hazarding interests too momentous to be thus lightly imperiled." The country had never seen "so melancholy a spectacle" commented *Harper's Weekly*. Johnson had simply lost control of himself, and it is hardly surprising that some of the radicals in Congress should have begun to speak of impeachment.

Most of Johnson's political support now came from the Democrats, and throughout the campaign their central appeal was to the race prejudice of northern voters. Early in the campaign Thaddeus Stevens accurately predicted: "We shall hear repeated, ten thousand times, the cry of 'Negro Equality!' The radicals would thrust the negro into your parlors, your bedrooms, and the bosoms of your

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