

History 319  
Re: Who Were the Radicals?

Origins of the Civil Rights Act (1866) and the

This act grew logically and inevitably out of the 13th Amendment. Especially the enforcement section of the Amendment; or section (2) of the Amendment ending chattel slavery.

Section provided: Congress shall have the power to enforce this article by appropriate legislation.

Ostensibly the Act was aimed at providing full citizenship for blacks in their civil liberties and civil rights. [except for the franchise]

It was especially structured to aim at all the supportive laws, statutes, and customs that were part of the chattel slave system. Since slaves were non-persons they could not under slavery own anything (2) contract or be contracted with (3) enter into any legal relationship--make claims or have claims made against them (4) sue or be sued (5) marry (6) receive or dispense property. They were dead in the law. . .

The Civil Rights Act was to correct all this. . . . except for the vote and except for private discrimination in public places. . . .

It was aimed at some of the practices that were carried under the Black Codes. . .

*See Reconstruction*  
But the real purpose of the Act grew out of the findings of the Congressional Joint Committee of Sixteen (Chaired by Fessenden of Maine). Fessenden did not want to post but he took it rather than see it fall into the hands of the radical Charles Sumner.

The conditions in the southern states were investigated. The most disturbing findings were the following:

The vagrancy laws . . . .

apprenticeship for black orphans and unwanted children and even for those whose parents the state claimed could not rightly provide for their well-being. They were ~~not~~ apprenticed out. . . .

*Stephen Mumford*  
The most shocking and disturbing findings were that the whites would not sell or lease land to blacks even when they had the money to buy or lease.

And in the question of contracts. In many of the southern states employers contrived to depress wages. In some states it was documented that blacks were forced to sign unfair labor contracts under physical duress.

So beyond the Black Codes the south was trying to remand the freedman into a condition of defenseless, landless and permanent agrarian proletariat class.

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Re: Who Wrote the Radicals?

Provisions of the Civil Rights Bill of 1866

Section 1 of the Act provided:

¶Citizens of every race and color . . . shall have the same right, in every state and territory in the US, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, to purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is employed by white citizens, and shall be subject to the same punishment, pain, and penalties, and to none other, any law, statute, ordinance, regulation, or custom to the contrary notwithstanding."

*Provisions of the Act  
applied to all citizens  
both white & colored  
of state or territory  
Citizenship*

Habeas Corpus Clause - <sup>Act 1867</sup> The "Fugitive Clause"

*For persons who could not get equity before the law in the local or state courts the provision was made to take case to a federal circuit or district court.*

*If the States would not see to protection of freedom's civil rights & liberties the federal govt. would be obliged.*

*Federal intervention depended upon state conduct - the state had the responsibility for pulling the fugitive*

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Johnson's Vetoes of the Civil Rights Bill and Freedman's Bureau

These measures were the backbone of the Moderate Republican program for the South. Moderates had dropped any pressure for the franchisement of the blacks because of Johnson's opposition. (And perhaps for other reasons). . .

They were struck dumb by Johnson's ringing vetoes. . .

Why Did Johnson take this course? He could have vetoed the Freedman's Bureau bill and still had the cooperation of the Moderates. They would have probably been agreeable to this veto. Would they have extended recognition to the Johnson govts. Seems to be the case.

Johnson's vetoes were "clues" to the northern Democrats and southerners that a realignment was about to take place. These vetoes would drive the radicals to the wall. He expected the conservatives in the party to join him in a new party made up of themselves, the Democratic elements in the North and the old Southern Democrats. . .

Point Recing - That these two measures were the moderates program for the South in 1866. This was Congressional Reconstruction - Stage One. The radicals in the party opposed this "package deal" because it said nothing about the franchise and Compensation of Southern land.

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Origins of the Civil Rights Act(1866)continued. . . .

You deny him the right to buy or lease land; then slap him with contrived depressed wages; and if he refuses to work use the vagrancy laws to throw him in jail or take away his children for failure to provide a decent living. . .

One of the chief purposes of the Civil Rights Act was to militate against private discrimination aimed at denyigg blacks access to land. . .

It was a radical measure in the sense that it sought to alter long-held customs and traditions and to create a new economic framework within which the black citizen could prosper.