

Purpose of 14th Amendment

The 14th Amendment was initially intended to be the Moderates Reconstruction program. With ratification by the southern states they would be admitted into the Union.

Stress the case of Tennessee. The only southern state to ratify and was subsequently admitted into the Union.

The South's refusal to ratify opened the way for the new military regimes that came in 1867. . . . The South took a wait and see attitude. Hopeful that if the "Radicals" were given a free reign they would so disrupt the governmental process with their programs that in 1868 the nation would reject the Radicals and return a conciliatory administration.

This seemed a thin hope. . (Huriah Heeps vs. the Rip VanWinkles). . . .

The North had already registered its attitudes on certain scores--with the ratification of the Thirteenth Amendment; the electoral wipe-out of Johnsonites in the 1866 election, etc. . . .

Origins of the 14th Amendment

The Amendment was framed to place the Constitutionality of the the Civil Rights Act(1866)and the Freedman's Bureau bill beyond doubt. To place these beyond the reach of shifting Congressional majorities.

In short, since the Civil Rights Act was to place civil liberties and civil rights on a nationalas scale. . .or nationalized civil rights. (This was one of the great breakthroughs of Reconstruction history). The 14th Amendment did just this.

The context in which the framers drafted this Amendment was affirmative. While section (1) states that no state shall shall move or enforce any law that abridges the priveleges or immunities of citizens or denies them protection of life, liberty, or property by due process.

History # 319
Re: Radical Reconstruction

Reconstruction Acts (1867)

Conditions for return of the southern states to the Union:

Negro suffrage
exclusion of those southerners who could not take the "iron-clad"
oath of the fourteenth amendment
Ratification of the 14th Amendment
State Constitution approved by Congress. . .

Radicals wanted: impeachment of Johnson
 confiscation of planter lands
 territorialization of the southern states . . .

The Reconstruction Acts and Impeachment are inextricably linked.
~~Type/choice/of/the~~ The South was now under military rule again. President Johnson was still commander-in-chief. Moderate Republicans insisted that he play ~~a~~ his designated constitutional rôle and be part of the Reconstruction program. They were sensitive to Constitutional divisions of power. [Unlike Johnson who denied that Congress had a substantive role to play in the reconstructing of the southern states].

History 319
 Re: 14th Amendment

Who Were the Northern Democrats:

Republican charges against the Democrats during the war. Democrats were "Copperheads," "Butternuts," or "Peace Democrats."

The Democrats charged the Republicans as "Nigger Lovers" and "fanatical abolitionists". . . .

The Democrats did oppose most of Lincoln's policies-- arbitrary arrests, suspension of the writ of habeas corpus, the Emancipation Proclamation, the federal conscription laws, restrictions on the press. . . .

Republicans responded with charges accusing the Democrats of fostering desertion, circulating disloyal literature recruiting for the Confederacy, and plotting revolution in the North.

The real difference between the two northern parties was in their view of what the Union should be. The Republicans generally stood for national federalism. . . or for more federal intervention and the Democrats for a states' rights federalism. . . or the Union as it was before Sumter and the War.

The Democrats in 1864 ran General McClellan on a platform that called for negotiated end to the war on the basis of status quo ante. . . or peace at any price. . . or so it seemed to Republicans. . .

Johnson's vetoes of the Civil Rights Act and the Freedman's Bureau

Why? What Motivated him? [Principle, obstructionism, or political]

Principle: Johnson was a states' rights man and a defender of the strict construction of the Constitution. . . Defender of states' power against the intrusion of the federal govt.

Johnson's political career does not allow for anything but a naive view that it was principle that forced him to enunciate these ringing vetoes. Point to his support of Lincoln when the President called for volunteers without Congressional consent in 1861

His radical swing from a policy of hard vengeance against the "traitors" who took the South out of the Union to ~~of~~ a policy of absolute or near absolute amnesty. While he was war Governor of Tennessee he played fast and loose with the rights of the citizens. In the 1864 election he supported an election oath that not disqualified state citizens who were known rebel sympathizers but Union men who happened to be for General McClellan.

Political(ambition): Johnson's reasons were in part or quided largely by political considerations. The vetoes were the begging of a campaign for realignment of the party system. Johnson's actions were celebrated in the South and with the Northern Democrats. Johnson's vetoes were aimed at isolating what he regarded as his enemies--the Radicals. He thought that he could rally the nation to his position in the 1866 elections and force the moderates and conservatives into supporting his position thereby leaving his political enemies isolated.

He miscalculated badly

The irony was that had he simply vetoed the Freedman's Bureau bill he would still have had a change to keep the Republicans in his camp. Had he proved conciliatory on the Civil Rights Bill he would have still had the support of the moderates in the Republican party. Thereby isolating the radicals and forcing them to capitulate or suffer defeat. . .

5) Johnson had used national war powers and executive pardon powers to keep Lincoln's Reconstruction policy in returning (or allowing) to return wholly white and overwhelmingly Democratic state govts in the South. Then he shifted his position constitutionally to state autonomy - denying that the Federal govt had any right to require decent standards in civil, political, and social relations.

Republican party position:

By 1866 the moderates or the majority in the Republican party had come to see the support of civil rights as the irreducible minimal requirement for working with Johnson and for accepting his southern governments. Also they wanted Presidential recognition that Congress had a role to play in reconstruction.

What produced unity among the Republicans?

Coxes: They argue principle. The party had come a long way since 1860. In 1860 many Republicans favored the Crittenden Compromise. It was Lincoln who sent word out from Illinois to reject this last of the prewar compromises.

They had come out for the conscription of blacks; for using black troopers in the war; for the Emancipation proclamation; for the Thirteenth Amendment. It was a long back ideologically or politically from 1866 to 1861. And in the process the party had fought a war; defeated secession; upheld the Constitutional processes; and lost a President through assassination

But what about a political motive?

Had the Republicans conceded to Johnson and went along with his reconstruction policy in the South. What was at stake?

The Party; its programs--Homestead act; railroad legislation; banking; tariff; immigration policy, etc. . . .

The party learned in its previous mission - the cause of the future - in its struggle of administration over secession, industrial capitalism, etc.