



## The Aftermath of Reconstruction

Student Name \_\_\_\_\_ Date \_\_\_\_\_

### Activity #2: Evaluating Reconstruction—The Fourteenth Amendment

**Directions:** It is the year 1877 and, in the wake of the election of Rutherford B. Hayes, Union troops finally have been recalled from the South. In this activity, you are asked to imagine that you are a research assistant gathering evidence for a prominent historian (your teacher) during the years following Reconstruction. The historian’s aim is to write the first comprehensive history of the period. Right now, he is working on the chapter that examines the importance and impact of the Fourteenth Amendment. Your job will be to evaluate a document (which in this activity will substitute for a “live interview”) that represents a particular view about direction of Reconstruction policy regarding voting rights and the impact that has had or will have on the politics of the nation. Your teacher will divide the class into four small groups. In addition to reviewing the text of the Fourteenth Amendment, each group will be assigned to cover one additional (but short) document, complete the attached worksheet together, and make a presentation to the class summarizing the views presented in the document. The historian (i.e., the teacher) will preside over the presentations and discussions and help the class distill the information gathered so that the class, together, can compose a two page brief for the historian summarizing the impact of the Reconstruction debate over voting rights on the politics of the nation in 1877.



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## Activity #2: Evaluating Reconstruction

**Directions for All Groups:** This is the text to the Fourteenth Amendment to the Constitution, ratified on July 9, 1868. Please read through the amendment before proceeding to your group’s assigned document and keep this copy handy as a reference as you work through your assignment.

### Transcript of 14th Amendment to the U.S. Constitution: Civil Rights (1868)

[http://www.ourdocuments.gov/print\\_friendly.php?page=transcript&doc=43&title=Transcript+of+14th+Amendment+to+the+U.S.+Constitution%3A+Civil+Rights+%281868%29](http://www.ourdocuments.gov/print_friendly.php?page=transcript&doc=43&title=Transcript+of+14th+Amendment+to+the+U.S.+Constitution%3A+Civil+Rights+%281868%29)

#### AMENDMENT XIV

##### Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, 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.

##### Section 2.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

##### Section 3.

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

##### Section 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for

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payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

#### **Section 5.**

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.



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## Activity #2: Evaluating Reconstruction—The Fourteenth Amendment

**Directions for Group A:** Examine this excerpt from a document by Frederick Douglass closely and answer the following Focus Questions. Giving careful attention to these questions should help you in composing an answer to the Major Question.

Focus Question	Answer to Focus Question
Who wrote the document? When did he write it? For what audience?	
What policy does Douglass think Americans should adopt concerning the political rights of blacks?	
Beyond this policy prescription, what does Douglass want white Americans to do for blacks?	
What does Douglass mean when he says that he thinks the American people “are disposed often to be generous <i>rather than just</i> ”? What is the difference between generous and just and why is this important to Douglass?	
Although Douglass says he is in favor of extending the vote to black men and also to all women, he suggests that there is a difference between them. What do you think he means by this?	

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Explain the difference, as Douglass sees it, between a privilege and a right.	
Why is having the vote so important to Douglass as an American—whereas he suggests it would not be equally important if he were a subject of another country?	

Excerpt from Frederick Douglass, Address to the Massachusetts Antislavery Society, April 1865  
<http://www.teachingamericanhistory.org/library/index.asp?document=495>

I have had but one idea for the last three years to present to the American people, and the phraseology in which I clothe it is the old abolition phraseology. I am for the "immediate, unconditional, and universal" enfranchisement of the black man, in every State in the Union. [Loud applause.] Without this, his liberty is a mockery; without this, you might as well almost retain the old name of slavery for his condition; for in fact, if he is not the slave of the individual master, he is the slave of society, and holds his liberty as a privilege, not as a right. He is at the mercy of the mob, and has no means of protecting himself . . .

It may be asked, "Why do you want it? Some men have got along very well without it. Women have not this right." Shall we justify one wrong by another? This is the sufficient answer. Shall we at this moment justify the deprivation of the Negro of the right to vote, because some one else is deprived of that privilege? I hold that women, as well as men, have the right to vote [applause], and my heart and voice go with the movement to extend suffrage to woman; but that question rests upon another basis than which our right rests. We may be asked, I say, why we want it. I will tell you why we want it. We want it because it is our right, first of all. No class of men can, without insulting their own nature, be content with any deprivation of their rights. We want it again, as a means for educating our race. Men are so constituted that they derive their conviction of their own possibilities largely by the estimate formed of them by others. If nothing is expected of a people, that people will find it difficult to contradict that expectation. By depriving us of suffrage, you affirm our incapacity to form an intelligent judgment respecting public men and public measures; you declare before the world that we are unfit to exercise the elective franchise, and by this means lead us to undervalue ourselves, to put a low estimate upon ourselves, and to feel that we have no possibilities like other men. Again, I want the elective franchise, for one, as a colored man, because ours is a peculiar government, based upon a peculiar idea, and that idea is universal suffrage. If I were in a monarchical government, or an autocratic or aristocratic government, where the few bore rule and the many were subject, there would be no special stigma resting upon me, because I did not exercise the elective franchise. It would do me no great violence. Mingling with the mass I should partake of the strength of the mass; I should be supported by the mass, and I should have the same incentives to endeavor with the mass of my fellow-men; it would be no particular burden, no particular deprivation; but here where universal suffrage is the rule, where that is the fundamental idea of the Government, to rule us out is to make us an exception, to brand us with the stigma of inferiority, and to invite to our heads the missiles of those about us; therefore, I want the franchise for the black man . . .

Let me not be misunderstood here. I am not asking for sympathy at the hands of abolitionists, sympathy at the hands of any. I think the American people are disposed often to be generous rather than just. I look over this country at the present time, and I see Educational Societies, Sanitary Commissions, Freedmen's Associations, and the like,--all very good: but in regard to the colored people there is always more that is benevolent, I perceive, than just, manifested towards us. What I ask for the Negro is not benevolence, not pity, not sympathy, but simply justice. [Applause.] The American people have always been anxious to know what they shall do with us. Gen. Banks was distressed with solicitude as to what he should do with the Negro. Everybody has asked the question, and they learned to ask it early of the abolitionists, "What shall we do with the Negro?" I have had but one answer from the beginning. Do nothing with us! Your doing with us has already played the mischief with us. Do nothing with us! If the apples will not remain on the tree of their own strength, if they are wormeaten at the core, if they are early ripe and disposed to fall, let them fall! I am not for tying or fastening them on the tree in any way, except by nature's plan, and if they will not stay there, let them fall. And if the Negro cannot stand on his own legs, let him fall also. All I ask is, give him a chance to stand on his own legs! Let him alone! If you see him on his way to school, let him alone, don't disturb him! If you see him going to the dinner table at a hotel, let him go! If you see him going to the ballot-box, let him alone, don't disturb him! [Applause.] If you see him going into a work-shop, just let him alone,--your interference is doing him a positive injury. Gen. Banks' "preparation" is of a piece with this attempt to prop up the Negro. Let him fall if he cannot stand alone! If the Negro cannot live by the line of eternal justice, so beautifully pictured to you in the illustration used by Mr. Phillips, the fault will not be yours, it will be his who made the Negro, and established that line for his government. [Applause.] Let him live or die by that. If you will only untie his hands, and give him a chance, I think he will live. He will work as readily for himself as the white man. A great many delusions have been swept away by this war. One was, that the Negro would not work; he has proved his ability to work. Another was, that the Negro would not fight; that he possessed only the most sheepish attributes of humanity; was a perfect lamb, or an "Uncle Tom;" disposed to take off his coat whenever required, fold his hands, and be whipped by anybody who wanted to whip him. But the war has proved that there is a great deal of human nature in the Negro, and that "he will fight," as Mr. Quincy, our President, said, in earlier days than these, "when there is reasonable probability of his whipping anybody." [Laughter and applause.]

**Major Question: What does Frederick Douglass argue about the role of blacks as Americans? In what ways was that vision achieved during Reconstruction?**



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## Activity #2: Evaluating Reconstruction—The Fourteenth Amendment

**Directions for Group B:** Examine the following documents from President Ulysses S. Grant closely and answer the following Focus Questions. Giving careful attention to these questions should help you in composing an answer to your group’s Major Question.

Focus Question	Answer To Focus Question
Who wrote the document? When? For what audience?	
According to what Grant says here, what prevents him as President from promising full and immediate assistance to the Governor of South Carolina?	
What does Grant mean when he says that there “has never been a desire on the part of the North to humiliate the South”? Why is this significant?	
What does Grant fear if the rights of all are not respected at the ballot box?	
From what you’ve read here, does it seem that the path to equal voting rights was a smooth one in the South?	

Why do you think Grant indicates a desire to withhold federal aid in this instance? Under what conditions would he have offered it?	
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Letter from President Ulysses S. Grant to the Hon. D. H. Chamberlain, Governor of South Carolina (on the occasion of riots in Hamburg, SC) July 26, 1876.

<http://www.teachingamericanhistory.org/library/index.asp?document=2230>

Executive Mansion  
Washington, D.C., July 26<sup>th</sup>

Dear Sir:--I am in receipt of your letter of the 22d of July, and all the inclosures enumerated therein, giving an account of the late barbarous massacre at the town of Hamburg, S.C. The views which you express as to the duty you owe to your oath of office and to citizens to secure to all their civil rights, including the right to vote according to the dictates of their own consciences, and the further duty of the Executive of the nation to give all needful aid, when properly called on to do so, to enable you to ensure this inalienable right, I fully concur in. The scene at Hamburg, as cruel, blood-thirsty, wanton, unprovoked, and uncalled for, as it was, is only a repetition of the course which has been pursued in other Southern States within the last few years, notably in Mississippi and Louisiana. Mississippi is governed to-day by officials chosen through fraud and violence, such as would scarcely be accredited to savages, much less to a civilized and Christian people. How long these things are to continue, or what is to be the final remedy, the Great Ruler of the universe only knows; but I have an abiding faith that the remedy will come, and come speedily, and I earnestly hope that it will come peacefully. There has never been a desire on the part of the North to humiliate the South. Nothing is claimed for one State that is not fully accorded to all the others, unless it may be the right to kill negroes and Republicans without fear of punishment and without loss of caste or reputation. This has seemed to be a privilege claimed by a few States. I repeat again, that I fully agree with you as to the measure of your duties in the present emergency, and as to my duties. Go on—and let every Governor where the same dangers threaten the peace of his State go on—in the conscientious discharge of his duties to the humblest as well as the proudest citizen, and I will give every aid for which I can find law or constitutional power. A government that cannot give protection to life, property, and all guaranteed civil rights (in this country the greatest is an untrammelled ballot) to the citizen is, in so far, a failure, and every energy of the oppressed should be exerted, always within the law and by constitutional means, to regain lost privileges and protections. Too long denial of guaranteed rights is sure to lead to revolution—bloody revolution, where suffering must fall upon the innocent as well as the guilty.

Expressing the hope that the better judgment and co-operation of citizens of the State over which you have presided so ably may enable you to secure a fair trial and punishment of all offenders, without distinction of race or color or previous condition of servitude, and without aid from the Federal Government, but with the promise of such aid on the conditions named in the foregoing, I subscribe myself, very respectfully, your obedient servant,

U.S. Grant.



**Major Question: According to Grant, what is the relationship between the federal government and the formerly rebellious states now operating within the Union?**



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## Activity #2: Evaluating Reconstruction—The Fourteenth Amendment

**Directions for Group C:** Examine this document from Senator Carl Schurz closely and answer the following Focus Questions. Giving careful attention to these questions should help you in composing an answer to your group’s Major Question.

Focus Question	Answer to Focus Question
Who wrote the document? When did he write it? For what audience?	
Senator Schurz expresses his agreement with the policy of extending political rights to blacks. But he also explains that it has not been an unqualified good. What accounts for this mixed result, according to Schurz?	
Why does Schurz advocate a widespread amnesty for former Confederates?	
What does Schurz say about the resentment engendered by the policy of extending the franchise to the black population at the same time it was denied to large segments of the white population in the South?	
What does Schurz think were some of the political and social consequences of a not granting amnesty to more former Confederates?	

In what ways does Schurz argue that restricting the franchise of former Confederates was damaging to the rights of newly enfranchised blacks?	
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Excerpt from Senator Carl Schurz of Missouri, speech in the Senate, January 30, 1872:

<http://teachingamericanhistory.org/library/index.asp?document=2212>

. . . But the stubborn fact remains that they [Southern black voters and officeholders] *were* ignorant and inexperienced; that the public business *was* an unknown world to them, and that in spite of the best intentions they *were* easily misled, not infrequently by the most reckless rascality which had found a way to their confidence. Thus their political rights and privileges were undoubtedly well calculated, and even necessary, to protect their rights as free laborers and citizens; but they were not well calculated to secure a successful administration of other public interests.

I do not blame the colored people for it; still less do I say that for this reason their political rights and privileges should have been denied them. Nay, sir, I deemed it necessary then, and I now reaffirm that opinion, that they should possess those rights and privileges for the permanent establishment of the logical and legitimate results of the war and the protection of their new position in society. But, while never losing sight of this necessity, I do say that the inevitable consequences of the admission of so large an uneducated and inexperienced class to political power, as to the probable mismanagement of the material interests of the social body, should at least have been mitigated by a counterbalancing policy. When ignorance and inexperience were admitted to so large an influence upon public affairs, intelligence ought no longer to so large an extent have been excluded. In other words, when universal suffrage was granted to secure the equal rights of all, universal amnesty ought to have been granted to make all the resources of political intelligence and experience available for the promotion of the welfare of all.

But what did we do? To the uneducated and inexperienced class—uneducated and inexperienced, I repeat, entirely without their fault—we opened the road to power; and, at the same time, we condemned a large proportion of the intelligence of those States, of the property-holding, the industrial, the professional, the tax-paying interest, to a worse than passive attitude. We made it, as it were, easy for rascals who had gone South in quest of profitable adventure to gain the control of the masses so easily misled, by permitting them to appear as the exponents and representatives of the National power and of our policy; and at the same time we branded a large number of men of intelligence, and many of them of personal integrity, whose material interests were so largely involved in honest government, and many of whom would have cooperated in managing the public business with care and foresight—we branded them, I say, as outcasts, telling them that they ought not to be suffered to exercise any influence upon the management of the public business, and that it would be unwarrantable presumption in them to attempt it.

I ask you, sir, could such things fail to contribute to the results we read to-day in the political corruption and demoralization, and in the financial ruin of some of the Southern States? These results are now before us. The mistaken policy may have been pardonable when these consequences were still a matter

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of speculation; but what excuse have we now for continuing it when those results are clear before our eyes, beyond the reach of contradiction?

**Major Question: Does Senator Schurz believe that the combination of the Fourteenth Amendment with restrictions on the political rights of former Confederates was wise policy? Explain his view.**



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## Activity #2: Evaluating Reconstruction—The Fourteenth Amendment

**Directions for Group D:** Examine this document from then Republican nominee to the Presidency, Rutherford B. Hayes. After reading it closely, answer the following Focus Questions. Giving careful attention to these questions should help you in composing an answer to your group’s Major Question.

Focus Question	Answer to Focus Question
Who wrote the document? When did they write it? For what audience?	
Through what means does Rutherford B. Hayes believe the South must secure peace? Explain.	
What do you think Hayes means by “the supremacy of the law”?	
To what is Hayes referring when he speaks of the “old” and “new” parts of the Constitution?	
Does Hayes seem to advocate an active or a passive role for the federal government in securing the rights of individuals—particularly individuals in the South?	

What does Hayes mean by talking of “an era of good feeling”? Explain what you think he might mean and discuss whether or not he gives a reasonable account of what it might look like.	
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Rutherford B. Hayes, letter of acceptance of the nomination for the Presidency, June 8, 1876:  
<http://teachingamericanhistory.org/library/index.asp?document=2229>

Columbus, Ohio, July 8, 1876.

Hon. Edward McPherson, Hon. William A. Howard, Hon. Joseph H. Rainey, and others, Committee of the Republican National Convention:

Gentlemen: In reply to your official communication of June 17, by which I am informed of my nomination for the office of President of the United States by the Republican National Convention at Cincinnati, I accept the nomination with gratitude, hoping that, under Providence, I shall be able, if elected, to execute the duties of the high office as a trust for the benefit of all the people.

. . . The condition of the Southern states attracts the attention and commands the sympathy of the people of the whole Union. In their progressive recovery from the effects of the war, their first necessity is an intelligent and honest administration of government, which will protect all classes of citizens in their official and private rights. What the South most needs is “peace,” and peace depends upon the supremacy of the law. There can be no enduring peace if the constitutional rights of any portion of the people are habitually disregarded. A division of political parties resting merely upon sectional lines is always unfortunate, and may be disastrous. The welfare of the South, alike with that of every other part of this country, depends upon the attractions it can offer to labor and immigration, and to capital. But laborers will not go, and capital will not be ventured, where the constitution and the laws are set at defiance, and distraction, apprehension, and alarm take the place of peace-loving and law-abiding social life. All parts of the constitution are sacred, and must be sacredly observed,—the parts that are new, no less than the parts that are old. The moral and national prosperity of the Southern states can be most effectually advanced by a hearty and generous recognition of the rights of all by all,—a recognition without reserve or exception. With such a recognition fully accorded, it will be practicable to promote, by the influence of all legitimate agencies of the general government, the efforts of the people of those states to obtain for themselves the blessings of honest and capable local government. If elected, I shall consider it not only my duty, but it will be my ardent desire, to labor for the attainment of this end. Let me assure my countrymen of the Southern states that if I shall be charged with the duty of organizing an administration, it will be one which will regard and cherish their truest interests,—the interests of the white and of the colored people both, and equally; and which will put forth its best efforts in behalf of a civil policy which will wipe out forever the distinction between North and South in our common country.

With a civil service organized upon a system which will secure purity, experience, efficiency, and economy, a strict regard for the public welfare solely in appointments, and the speedy, thorough, and unsparing prosecution and punishment of all public officers who betray official trusts; with a sound

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currency; with education, unsectarian and free to all; with simplicity and frugality in public and private affairs; and with a fraternal spirit of harmony pervading the people of all sections and classes, we may reasonably hope that the second century of our existence as a nation will, by the blessing of God, be preëminent as an era of good feeling, and a period of progress, prosperity, and happiness.

Very respectfully, your fellow-citizen,

R. B. HAYES.

**Major Question: In what ways does Rutherford B. Hayes think the nation should move forward upon the completion of Reconstruction? Now that the rights of all citizens have been guaranteed in the Constitution, how does Hayes propose the government should protect them?**