

STUDY GUIDE

# CIVIL RIGHTS IN AMERICAN HISTORY

LECTURE 5

## RECONSTRUCTION, SEGREGATION, AND DISENFRANCHISEMENT

### OUTLINE

#### 0:00-4:02— The Military Reconstruction Acts and the Fifteenth Amendment

- In response to their refusal to ratify the Fourteenth Amendment, ten former Confederate states were placed under military government.
  - They remained in this situation until they ratified new state constitutions that gave blacks civil rights, including suffrage.
- During this period, the Republican Party tried to maintain its national majority by having a presence in the Southern states.
  - They managed to do so for about ten years due in large part to support from black voters.
- They also recognized the need to secure more permanent protections for black voting rights before Reconstruction ended.
  - As a result, Republicans in Congress were able to pass the Fifteenth Amendment and force the holdout states to ratify it, thus guaranteeing blacks the right to vote.

#### 4:03-10:12— The End of Reconstruction and the Civil Rights Act of 1875

- Between 1868 and 1870, all of the former Confederate states returned to the Union.
- The last piece of Reconstruction legislation passed by Republicans was the Civil Rights Act of 1875.

- This law went well beyond previous Reconstruction acts and extended to social rights—offering equal access to places of public accommodation (e.g., theaters, restaurants, and trains).
- It was in essence the last attempt by Republicans to prevent segregation in the South.
- These efforts began to unravel after the election of 1876, as America entered an era of divided national government.

### **10:13-15:17— The Supreme Court and Reconstruction**

- The Supreme Court has its own role to play in implementing and interpreting Reconstruction legislation.
  - In doing so, it revealed the ways in which the broad language of the Reconstruction Amendments can be used for purposes other than their original intention.
  - The Slaughter-House Cases of 1873 are a good example.
    - The plaintiffs claimed that Louisiana's public health measures violated the Thirteenth and Fourteenth Amendments.
    - The majority on the Court, however, disagreed and ruled that the Privileges and Immunities Clause of the Fourteenth Amendment does not protect a long list of fundamental rights, but only a few insignificant things.
  - In 1883, the Supreme Court also struck down most of the Civil Rights Act of 1875 by arguing that the Fourteenth Amendment does not give the federal government the power to establish a law that forbids segregation.

### **15:18-25:04— Segregation and Jim Crow**

- Beginning in the 1880s and 1890s, Southern states began passing laws that institutionalized the custom of segregation already practiced.
  - For instance, segregation was enforced in places of public accommodations like railroads, hotels, and restaurants.
- Southern states were not the only ones to pass segregation laws, however, as states that bordered the South enforced segregation or allowed systems of local option.
- Following *Plessy v. Ferguson* in 1896, the Supreme Court upheld segregation laws under the principle of "separate but equal."
  - According to the Court, the separation of whites and blacks was constitutionally permissible as long as the access to public accommodations was equal for both.

- The lone dissenter on the Court was Justice Marshall Harlan, who contended that segregation laws were motivated by a prejudice against blacks, and argued that the Constitution was intended to be colorblind and free of caste systems.
- The Jim Crow system not created a system of segregation, but it also effectively deprived the majority of blacks the right to vote.
  - Although the Fifteenth Amendment guaranteed blacks suffrage, Southern states found innovative ways to make it impossible for them to participate politically.
  - They did so through various means, such as literacy tests and poll taxes.

## **KEY PASSAGES**

"The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

**- Constitution of the United States of America, Amendment XV**

"That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any condition of servitude."

**- Civil Rights Act of 1875**

"In respect of civil rights, common to all citizens, the Constitution of the United States does not, I think, permit any public authority to know the race of those entitled to be protected in the enjoyment of such rights. Every true man has pride of race, and under appropriate circumstances which the rights of others, his equals before the law, are not to be affected, it is his privilege to express such pride and to take such action based upon it as seems proper. But I deny that any legislative body or judicial tribunal may have regard to the race of citizens which the civil rights of those citizens are involved."

**- *Plessy v. Ferguson* (1896), Judge Harlan's dissent**

**DISCUSSION QUESTIONS**

Did Reconstruction achieve its aims of restoring the Union and secure the natural and civil rights of the newly emancipated slaves?

How did the Supreme Court undermine the civil rights protections of black Americans at the end of the nineteenth century?

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