Who Holds Power?

Federal and state authority during Reconstruction

USH.C.1.1.B "Analyze the Constitution's concepts of federalism, separation of powers, and the system of checks and balances to changing relationships in American politics as the nation rebuilt following the Civil War."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline two places where power shifted between national and state governments, circle one presidential action, and write 1 beside an example of Congress checking the president.

Reconstruction and the Reach of Federal Power

1 After the Civil War, freedom did not settle who would protect the rights of formerly enslaved people. In 1866, Congress passed the Civil Rights Act, which declared that people born in the United States, with limited exceptions, were citizens and had equal rights to make contracts and own property. President Andrew Johnson vetoed it, arguing that Congress was taking too much power from the states. Congress overrode his veto, so the act became law without his approval. This clash showed separation of powers in action: Congress made a law, the president tried to stop it, and Congress used its constitutional power to prevail.

2 Congress proposed the Fourteenth Amendment, ratified in 1868. It barred states from denying anyone equal protection of the laws or due process of law. An amendment required approval by states as well as Congress; a president could not veto it. This changed federalism by giving the national government a firmer basis to challenge state actions that violated these rights. The Fifteenth Amendment, ratified in 1870, barred denying citizens the vote because of race. Congress then passed Enforcement Acts to fight violence and intimidation at the polls. Federal officials could prosecute certain offenses, a role largely left to states before Reconstruction.

3 In 1877, President Rutherford B. Hayes ordered federal troops withdrawn from the statehouses in South Carolina and Louisiana. That move ended federal military support for the Republican state governments there, but it did not remove every federal soldier from those states. Southern Democrats gained control of those governments. Hayes's action showed how a president could change the reach of federal power even when constitutional amendments remained in place. Without the same federal backing, Black voters faced growing intimidation and restrictions in the following years. The struggle over whether national or state officials would protect voting rights did not end with Reconstruction.

2 ANSWER WITH EVIDENCE

Use the passage

1. How did Congress check President Johnson in 1866, and what did the result mean for his veto?

2. How did the Fourteenth Amendment change the relationship between state and national power?

3. Why could President Johnson veto the Civil Rights Act but not the Fourteenth Amendment?

4. How did Hayes's 1877 decision change federal support in South Carolina and Louisiana without changing the Constitution?

3 YOUR TURN

Your own words

Imagine that in 1878, state officials enforce a law barring Black citizens from registering to vote. Write five sentences advising Congress on a federal response, explaining which amendment supports it, how the president could check Congress, and how your plan would change the balance between state and national power.

ANSWER KEY

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PART 1 · READ AND MARK

Underline two places where power shifted between national and state governments, circle one presidential action, and write 1 beside an example of Congress checking the president. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did Congress check President Johnson in 1866, and what did the result mean for his veto?	**Congress overrode Johnson's veto of the Civil Rights Act, making it law without his approval.**
2	How did the Fourteenth Amendment change the relationship between state and national power?	**It barred states from denying equal protection or due process and gave the national government a firmer basis to challenge state actions that violated those rights.**
3	Why could President Johnson veto the Civil Rights Act but not the Fourteenth Amendment?	**The act was an ordinary law subject to a presidential veto. A constitutional amendment required approval by Congress and the states, not the president.**
4	How did Hayes's 1877 decision change federal support in South Carolina and Louisiana without changing the Constitution?	**Withdrawing troops from the statehouses ended federal military support for the Republican state governments there, although the constitutional amendments remained in place.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

Congress should pass a law authorizing federal officials to challenge the state's registration rule in court. The Fifteenth Amendment bars denying the vote because of race, so the rule conflicts with the Constitution. The president could veto the new law. Congress could override that veto, but the president would still have a role in enforcing the law. Under this plan, national officials would take a greater role in protecting voting rights when state officials violate them.

Accept other plausible federal responses that identify the Fifteenth Amendment, correctly describe a presidential check, and explain a shift in state and national authority. For question 4, do not accept claims that Hayes removed every federal soldier from either state.