# Rights After War

Federal power and individual rights during Reconstruction

**USH.C.1.1** "Explain the constitutional issues that arise in the post-Civil War era. Summarize the fundamental principles of the United States of America's constitutional republic and how events of the post-war era affected the Constitution's balance..."

NAME _____ DATE _____

## 1 READ AND MARK

Read it twice

**YOUR JOB** Underline two places where federal action limited state power, and circle two limits on the changes Reconstruction brought. Number one example of checks and balances so you can use it as evidence in your answers.

### Who Would Protect Freedom?

1. In 1866, a formerly enslaved carpenter in Georgia could claim freedom but still face laws that restricted where he could work. The Thirteenth Amendment, ratified in 1865, abolished slavery except as punishment for a crime. Yet freedom alone did not guarantee equal treatment or a way to earn a living. Southern states passed Black Codes that limited Black people's choices and protected the labor supply for white landowners. This conflict raised a basic question for a constitutional republic: when state laws threaten individual rights, should the federal government step in to protect them, even if states object?

2. Congress answered in part with the Civil Rights Act of 1866, which declared people born in the United States citizens, with limited exceptions, and guaranteed citizens equal rights to make contracts, own property, and use courts. President Andrew Johnson vetoed the bill, but Congress overrode his veto, an example of checks and balances. The Fourteenth Amendment, ratified in 1868, established birthright citizenship, with limited exceptions, and required states to provide due process and equal protection of the laws. These measures shifted authority toward the federal government: states could no longer deny those protections without violating the Constitution.

3. The Reconstruction Acts of 1867, not a Civil Rights Act of 1867, placed former Confederate states, except Tennessee, under military oversight and required new state constitutions that gave Black men the vote. The Fifteenth Amendment, ratified in 1870, barred denying voting rights on account of race, color, or previous enslavement; it did not grant women the vote. Federal rules expanded political participation, but violence and later voting restrictions blocked many Black voters. Without land or steady pay, many freed families had limited economic choices. Reconstruction tested whether federal power could serve the public good while defending individual rights in daily life.

## 2 ANSWER WITH EVIDENCE

Use the passage

1. Why might the Thirteenth Amendment alone have offered the carpenter too little protection? Explain how the Fourteenth Amendment addressed a different problem.

2. How did the dispute over the Civil Rights Act of 1866 show checks and balances? How did the act challenge state control over civil rights?

3. How did the Reconstruction Acts of 1867 and the Fifteenth Amendment each change voting? Use the passage to explain one limit on their effects.

4. Did the Civil Rights Act of 1866 guarantee economic independence for freed families? Support your judgment with two details from the passage.

## 3 YOUR TURN

Your own words

Imagine you advise Congress in 1870. Propose one new action to protect a Reconstruction right, and explain how it would divide work between federal and state governments, serve the public good, and protect individuals. Identify one limit the action might face.

ANSWER KEY

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HIGH SCHOOL · USH.C.1.1

## PART 1 · READ AND MARK

Underline two places where federal action limited state power, and circle two limits on the changes Reconstruction brought. Number one example of checks and balances so you can use it as evidence in your answers. Accept any marking that follows this job and points at the right text.

## PART 2 · ANSWERS

| # | QUESTION | ANSWER |
|---|---|---|
| 1 | Why might the Thirteenth Amendment alone have offered the carpenter too little protection? Explain how the Fourteenth Amendment addressed a different problem. | **The Thirteenth Amendment ended slavery, but Black Codes could still restrict the carpenter's choices. The Fourteenth Amendment required states to provide due process and equal protection.** |
| 2 | How did the dispute over the Civil Rights Act of 1866 show checks and balances? How did the act challenge state control over civil rights? | **Congress overrode President Johnson's veto. The act set federal protections for citizens' rights to make contracts, own property, and use courts, limiting states' ability to deny those rights.** |
| 3 | How did the Reconstruction Acts of 1867 and the Fifteenth Amendment each change voting? Use the passage to explain one limit on their effects. | **The acts required new state constitutions giving Black men the vote; the amendment barred voting discrimination based on race, color, or previous enslavement. Violence and later voting restrictions still blocked many Black voters.** |
| 4 | Did the Civil Rights Act of 1866 guarantee economic independence for freed families? Support your judgment with two details from the passage. | **No. It protected rights such as making contracts and owning property, but many freed families still lacked land or steady pay.** |

## PART 3 · YOUR TURN (SAMPLE ANSWER)

Congress could create federal monitors to watch elections and report racial threats against voters. States would still run polling places, but federal officials would help enforce the Fifteenth Amendment when states failed to protect voters. Fairer elections would serve the public good by making government more representative, while protecting each eligible voter's right to participate. Monitors could not prevent every threat, especially violence away from polling places.

Accept other historically plausible federal actions that name a Reconstruction right and explain both state and federal roles. Students should distinguish a legal protection from its effects in daily life.