

**Identify and explain all the factors which encouraged and discouraged change during 1863-77**

There were many changes during the period of 1863-77, all of which had different effects on civil rights. However although most factors encouraged change most of the time it resulted in discouraging change due to loopholes or insufficient implementing.

Firstly, in an attempt to resolve the problem of the separated southern states, the Republican partly took many different views which at first seemed to encourage change. The more radical believed freedmen should receive full rights of citizenship however this was partly out of self interest as they knew they could win the freedmen's vote. However Johnson favoured a more liberal approach he wanted all southerners who were prepared to swear an oath of allegiance to the union to receive a pardon and amnesty; after which they could vote and stand for election. They were required to agree to the ratification of the Thirteenth Amendment which confirmed the illegality of slavery. All property was to be restored to them except their slaves. However it became clear that Johnson was no enemy of the south. The plan had terrible consequences for the freed slaves and during the war years Johnson had supported Lincoln stating he had never abandoned his support for slavery. This was supported when he appointed advisors who were unsympathetic to the concept of black civil rights. In practice, Johnson pardoned the southern states, abandoned the idea of charging with treason and punishing southern politicians and allowed the to resume their state offices, failed to implement the policy of excluding rich planters from office in order to reduce their influence and failed to enforce the requirement of newly elected state assemblies to ratify the thirteenth amendment. This in itself was supposed to encourage change yet due to lack of implementation it discouraged change.

As a response to the Thirteenth Amendment the south introduced the Black Codes, this certainly discouraged any change. Black Codes intended to avoid the extension of voting rights to freed slaves. The intention of these codes was to make sure that African Americans never acquired land or property. In the south they justified these codes as guaranteeing protection for freed slaves and economic security for plantation economy. However in the north they were seen as racist and seen to be attempting to replace one form of slavery with another. The Black Codes exposed the weaknesses of the federal government and the power of the state government. As long as each state government had the power to implement voting qualifications, such as being able to read and write and own property, the African Americans were never going to be able to vote as they lacked any education.

The first positive step towards change was probably the Freedmen's Bureau. It was set up by an Act of Congress in 1865; it was empowered to support freed slaves. It showed the government was accepting some responsibility for the care of this section of society. The job of this Bureau was to support freed black slaves in the short term and provide a basis for their long term security. The Bureau tried to help find homes, provide food, education, medical care and allocate land to former slaves. The Freedmen's Bureau was supposed to be a temporary act so the Supplementary Freedmen's Bureau Act was introduced. This aimed to expand the Bureau's officer's power to enable them to act against state officials who withheld freedmen's civil rights. It also proposed the establishment of military courts to deal

with labour disputes between former slaves and their new employers and to protect them from the Black Codes that forced labour contracts.

The Civil Rights Act (1866) was a factor which encouraged change. It was the first attempt to define national citizenship in law; it intended to establish the equality of African Americans. It defined all persons born in the USA, except for Native Americans, as citizens. It guaranteed equal rights in terms of justice without prejudice; however it left out the issue of voting. This act applied to the North and South and it changed the relationship between the federal government and state governments. The state governments were responsible for its enforcement; the federal government had to enforce its terms. Johnson tried to discourage this change with a veto and saying they contravened the principles laid down in the Constitution, threatened the rights of other citizens and was a misuse of federal power. His motives were racist. Congress overrode the veto and the civil rights bill became law. However securing its ratification and enforcement could only be secured by making an amendment to the Constitution.

The Fourteenth and Fifteenth Amendments were the most important ever to be added to the Constitution. The first two terms of the Fourteenth were a virtual war against the Black Codes: all persons born or naturalised in the USA were citizens, no state had a right to limit their citizenship and those states that continued to discriminate could find their representation in Congress reduced. Any state that denied the vote to any male citizen would find their representation in Congress reduced. This encouraged change as it began to change to balance of power between state and federal government. However it didn't fully encourage change as if the southern states were prepared to face reduced representation they could continue to discriminate and would openly be flaunting the law.

In the 1866 Congress elections, the Republicans had a landslide victory, which reflected support for the amendment and also encouraged change. Congress carried through a programme of Reconstruction in the south which made ratification of the Fourteenth Amendment by state governments a must for readmission into the Union. This was done by a series of Reconstruction Acts between 1867-68. The first act invalidated the state governments set up by Lincoln and Johnson and the pardons that Johnson gave to Confederates who had supported secession.

The Reconstruction Act of 1867 confirmed the black vote and also the right to gain seats in the state conventions. This combined with the fact hundreds of white voters in the south had lost the right to vote because they were supporters or Confederates meant that black representatives formed the majority in southern state conventions. These conventions removed barriers to voting or holding office, and the extension of the vote to all male citizens benefited the poor white people as well as freedmen. These acts encouraged change also.

The Fifteenth Amendment was supposed to encourage change by prohibiting the denial of suffrage, because of race, colour or previous conditions of servitude. However in order to pacify the northern states the Fifteenth Amendment allowed states to impose their own voting qualifications, which discouraged change as the southern states could yet again exclude African Americans from voting.

The Civil Rights Act of 1875 aimed to prohibit segregation in public places which was encouraging change. Although by this time the Republicans were losing support and this was reflected in them removing a clause relating to mixed schooling in order to ensure the passage of the bill into law. The impetus for implementing its provisions rested with the persecuted whom had to take responsibility for making complaints under the terms of the law, however few were brave enough.

To conclude, Johnson was the key person who more than anything used the law to discourage change, which reflected his racist attitude. However when the Republican party came to power they introduced Acts which were designed to encourage change although due to the Constitution or state governments, their altruistic plans were not always successful in encouraging change.