Learning Objectives

Students will be able to:

- Identify the division of the U.S. at the outbreak of the Civil War.
- Describe the expansion of civil rights and liberties in the Civil War/Reconstruction Period through the 13th, 14th and 15th Amendments.
- Explain the purposes of the due process and equal protection clauses of the 14th Amendment.
- Determine the differences between the Presidential and Congressional plans for Reconstruction.

Time Needed: One class period

Materials Needed:
Student worksheets

Copy Instructions:
Brainstorming Sheet (half set; one sided)
Student Pages (class set; double-sided)

Step by Step

- **ANTICIPATE**
  
  by distributing the half sheet and giving students 2-3 minutes to list as many things related to the Civil War as they can. Ask students to share what they have on their lists.

- **DISTRIBUTE**
  
  the reading packet to the students and read through the first page as a class. You may also ask the students to draw a line between the Northern and Southern states on the map, then explain that that was commonly called the Mason-Dixon line.

- **CONTINUE**
  
  reading on the second page, pausing after the Reconstruction section.

- **PROJECT**
  
  the What If? transparency showing the Reconstruction plan options to the class.

- **READ**
  
  each and discuss which items the class would agree on, marking the page as you proceed.

- **TALLY**
  
  the selections for each column and reveal which plan the class favored. Column One reflects the aspects of Congressional Reconstruction plans, and Column Two reflects the plan of President Johnson.

- **CONTINUE**
  
  though the rest of the reading with the students.

- **DISTRIBUTE**
  
  and assign the activity sheets to the class.

- **REVIEW**
  
  the answers to the activity pages. Discuss each ‘due process’ question and have the students discuss why the laws are constitutional or not. Is there an issue of reasonableness and fairness? Do the procedures make sense? (Number 6 of the Due Process questions is intended to be vague—discuss with your class.)
What do you know about the Civil War? List as many terms, ideas, names, and events as you can that relate to this period of history.

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The Constitution: Something’s Missing

The Constitution set up the rules for our government. The first ten constitutional amendments, called the Bill of Rights, listed the rights that citizens should expect. But when these documents were written, over one third of the population of the United States was not considered citizens. These were the slaves and free blacks living in the United States. They were born in the U.S., worked in the U.S., and died in the U.S. — but were not protected by the founding documents or by state laws. It took a war between the states to bring changes to the Constitution that would end slavery and set the path for greater equality.

States Taking Sides

We don’t hear much about new states being added to the United States anymore. But in the early 1800s, several new states were added to the union. One of the hot topics of the day was whether these new states would allow slavery (like the Southern states) or ban it (like most of the Northern states). Over time these two regions had developed in different ways, which led to conflict. Check out the map to see which states allowed slavery and which didn’t.

Civil War!

The debate over slavery and rights was a main factor leading to the bloodiest war in our country’s history. The slave states in the South decided they would be better off as a separate nation, so they seceded from the United States. Secession means separation or breaking away. President Abraham Lincoln did not want the nation to be divided, and war began between the southern states, which called themselves the Confederate States of America, and the northern states, which were still known as the United States of America. This “War Between the States,” now called the Civil War, deeply and bitterly divided Americans on both sides.

Emancipation

In the middle of the war (1863), President Lincoln issued the Emancipation Proclamation, declaring that all the slaves in the South were free. (Emancipation means freedom). Although it was a huge and important step, it didn’t have much immediate effect. It did not help slaves in the South, because the Confederate States of America had its own government and did not feel bound by proclamations by the United States president. It also did not help slaves in states that had not seceded.

Even so, the Emancipation Proclamation was a big deal. Although it failed to free any actual slaves, it did send a strong message: When the war was over, slavery in the U.S. would end. The U.S. government took this as a sign to move forward with additional laws that changed citizens’ rights in America.
Ending the War, Ending Slavery

In January 1865 – three months before the war ended – Congress passed the **13th Amendment** to the Constitution, outlawing slavery in the United States. The war ended when the Confederacy surrendered in April 1865. After that, all states were once again part of the United States of America. In December 1865, slavery was finally abolished in the entire United States when the last state ratified (passed) the 13th Amendment.

Reconstructing a Nation

The war left much of the South destroyed and disorganized. The Southern states needed to be made part of the United States again, but people disagreed about how that should happen. Some, like President Andrew Johnson, believed the Southern states should be let back into the U.S. and the former Confederates shouldn’t be punished. But many in Congress wanted to make sure the Southern politicians were punished for seceding. They also did not want Southern politicians to interfere with the new freedom of African Americans. This period of rebuilding after the Civil War is known as **Reconstruction**. Many in the South resisted the changes, and the federal government had to send troops to enforce the new civil rights laws.

Changing the Constitution

The 13th Amendment did not end the slaves’ troubles. Many Southern states quickly passed laws to restrict what little freedom the former slaves had. Something more was needed to expand and protect the rights of the former slaves. As part of the Reconstruction effort, Congress added two more amendments to the Constitution. In 1868, the **14th Amendment** guaranteed citizenship to all people born in the U.S. This amendment also gave all citizens the right to *due process* and *equal protection under the law*. In 1870, the **15th Amendment** gave all men the right to vote regardless of their race or whether they had been slaves before the war.

What’s Due Process?

Due process means people have the right to be treated fairly by the government. There are two kinds of due process. One has to do with what a law actually says. Laws must be fair and reasonable. The government cannot pass laws that unfairly limit people’s life, liberty, or property. The other type of due process has to do with how laws are enforced. Government officials must follow certain rules or procedures when they enforce laws. They cannot take away or limit someone’s life, liberty, or property without following those rules.

What About Equal Protection?

The government must treat people equally. Unreasonable discrimination by the government is not allowed. If a law does treat one group of people differently, the government must prove there is a good reason for it. Courts will decide if that reason is good enough to let the law stand.

Both equal protection and due process were rights that African Americans lacked due to their race and former state of slavery. By granting these rights, as well as the right to vote— the Constitution expanded citizenship to a whole new group of Americans.
What if? At the end of the Civil War, the Southern states had to become part of the United States again. Which of these steps would you recommend if you were in charge of creating a united country in 1865?

**Column One**
___Punish the South, so those states don’t try to secede again!

___Forbid former Confederate leaders from voting and running for office

___Make the Southern states rewrite their constitutions, pass the 14th Amendment, and give former male slaves voting rights before they can get back into the Union

___Send troops into the South and have them keep an eye on things

___Replace the old state governments with new officials who will protect the rights of African Americans and follow the new rules.

**Column Two**
___Let the Southern states come back into the Union without being punished

___Pardon (officially forgive) former Confederate soldiers if they promise to support emancipation

___Let the Southern states decide how they will enforce civil rights laws

___Allow the people that were in charge before the war regain control of the state governments

___Try to forgive and forget. It will be better if everyone puts this mess in the past.

___ Total Selected

___ Total Selected
Activity p.1

**Vocabulary.** Use the word bank to complete each sentence.

| due process | secession | Emancipation Proclamation | equal protection | Reconstruction |

1. In the _______________________________, Lincoln announced that all slaves in the South were free.
2. The period of rebuilding after the Civil War is called ___________________________.
3. The ___________________ crisis occurred when eleven southern states declared their independence from the United States.
4. The 14th Amendment says that the government must treat all people the same way. This idea is called ________________________________.
5. Fair treatment by the government, or ___________________, comes in two types: substantive (what the law says) and procedural (how the law is enforced).

**Taking Sides.** Match the quote with who probably said it.

- **Northern Abolitionist**
  - "I grow cotton, but I can’t afford to own slaves. If they are freed, they might try to take my job!"

- **Southern Slave Owner**
  - "I think slavery is terrible! Slavery is not needed and should be illegal! The government should do something about this."

- **Poor Southern Farmer**
  - "Slaves are necessary to my cotton business. The government shouldn’t tell me how to run my plantation!"

**Confederacy or Union?** Connect the person or term with the correct side of the war.

- **The North**
  - United States of America (USA)
  - President Abraham Lincoln
  - Soldier Nickname: Billy Yank (Yankee)

- **The South**
  - The Confederate States of America (CSA)
  - President Jefferson Davis
  - National Capital: Richmond, VA
  - Soldier Nickname: Johnny Reb (Rebel)
  - National Capital: Washington, DC
Civil War & Reconstruction

Name that Amendment! Select the correct Reconstruction amendment for each item.

- Former slaves and men of all races can vote.  
  13th  14th  15th

- If you are born in the U.S., you are a U.S. citizen.  
  13th  14th  15th

- Slavery is illegal in the United States!  
  13th  14th  15th

- Former slaves are protected by law and are considered citizens.  
  13th  14th  15th

- Due process and equal protection are guaranteed to all.  
  13th  14th  15th

Is That Fair? Based on the idea of due process, do you think these laws are constitutional? Write yes or no in the space provided.

  1. All citizens over the age of 18 of the U.S. have the right to vote.   ____

  2. The government can throw people without a place to live in jail.   ____

  3. Your house can be taken away by the government if you watch too much television.   ____

  4. A school that suspends a student must notify the parents and give a reason for the suspension.   ____

  5. You must be 35 years old to drive a car in the U.S.   ____

  6. Children are taken away from bad parents and given to good parents.   ____

Equality! Read each fictional law and identify the group that is being discriminated against. Use the word bank for your answers.

- the disabled  
- racial minorities  
- senior citizens  
- working mothers

  7. You are not allowed to work if you are over the age of 65.   __________________

  8. People of different races have to go to different schools.   __________________

  9. Public buses and trains do not have to be accessible to people in wheelchairs.   ________________

  10. Women can not teach school if they are pregnant.   ________________
Vocabulary. Use the word bank to complete each sentence.

| due process | secession | Emancipation Proclamation | equal protection | Reconstruction |

1. In the **Emancipation Proclamation**, Lincoln announced that all slaves in the South were free.
2. The period of rebuilding after the Civil War is called **Reconstruction**.
3. The **secession** crisis occurred when eleven southern states declared their independence from the United States.
4. The 14th Amendment says that the government must treat all people the same way. This idea is called **equal protection**.
5. Fair treatment by the government, or **due process**, comes in two types: *substantive* (what the law says) and *procedural* (how the law is enforced).

**Taking Sides.** Match the quote with who probably said it.

- Northern Abolitionist
  - I grow cotton, but I can’t afford to own slaves. If they are freed, they might try to take my job!”

- Southern Slave Owner
  - I think slavery is terrible! Slavery is not needed and should be illegal! The government should do something about this.”

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  13th 14th 15th

- Due process and equal protection are guaranteed to all.  
  13th 14th 15th

Impacting the Future. Which of the three Reconstruction amendments do you think had the greatest impact? Explain your answer.

Answers will vary.

Is That Fair? Based on the idea of due process, do you think these laws are constitutional? Write yes or no in the space provided.

- yes 1. All citizens over the age of 18 of the U.S. have the right to vote.
- no 2. The government can throw people without a place to live in jail.
- no 3. Your house can be taken away by the government if you watch too much television.
- yes 4. A school that suspends a student must notify the parents and give a reason for the suspension.
- no 5. You must be 35 years old to drive a car in the U.S.
- y/n 6. Children are taken away from bad parents and given to good parents.

Equality! Read each fictional law and identify the group that is being discriminated against. Use the word bank for your answers.

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- racial minorities
- senior citizens
- working mothers

7. You are not allowed to work if you are over the age of 65. __ senior citizens __

8. People of different races have to go to different schools. __ racial minorities __

9. Public buses and trains do not have to be accessible to people in wheelchairs. __ the disabled __

10. Women can not teach school if they are pregnant. __ working mothers __