

## Reconstruction: 14<sup>th</sup> Amendment

### BACKGROUND

<p><b>Learning Objectives</b></p> <p>Begin with the end in mind. Answer: By the end of the lesson, students should be able to ...</p>	<ul style="list-style-type: none"><li>- Students should be able to identify the issues Congress faced in reconstructing the Union, particularly questions involving civil rights, representation, and federal power.</li><li>- Students should be able to engage in historical empathy, imagining the perspectives, feelings, and worldviews of the congressional civil rights leaders and those who opposed them.</li></ul>
<p><b>Essential Question(s)</b></p>	<p>How did congressional civil rights leaders and those who oppose them demonstrate a commitment to preserving the Union?</p>
<p><b>Brief Introduction</b></p> <p>In a paragraph or two, briefly introduce the topic and core issues.</p>	<p><b>Hook:</b> Watch the first 2:30 minutes of this video about the caning of Charles Sumner: <a href="https://www.youtube.com/watch?v=jsxQv_bjuAE">https://www.youtube.com/watch?v=jsxQv_bjuAE</a></p> <p>This video nicely illustrates the tension between the North and South on the topic of slavery leading up to the Civil War. The students should keep in mind this violent and contentious context when understanding the issues the government was facing going into Reconstruction. The South was not happy about the abolition of slavery and losing the Civil War, and Congress—composed of Northerners—had to find a way to peaceably bring the southern States back into the Union, while also figuring out how to help the newly freed slaves.</p> <p>Although the 13<sup>th</sup> Amendment had abolished slavery, the southern States continued to pass state laws that grossly violated the rights of the newly freed slaves and essentially returned them to slavery. Congress had to figure out how to fix this issue without antagonizing the South.</p>
<p><b>Standards</b></p>	<p><b>U.S. I Standard 4.3:</b> Students will use historic case studies and current events to trace how and explain why the rights, liberties, and responsibilities of citizens have changed over time.</p> <p><b>U. S. GOV Standard 2.1:</b> Students will use historic and modern case studies, including Supreme Court cases, amendment initiatives, and</p>

	legislation to trace the application of civil liberties, civil rights, and responsibilities spelled out in the Constitution, the Bill of Rights, and other amendments.
--	--

**INSTRUCTION & PRACTICE**

<b>Resources</b>	<ul style="list-style-type: none"> <li>- Computer to access the Quill Project</li> <li>- Speech by Mr. Sumner (<a href="https://www.quillproject.net/m2/session/5679#739137">https://www.quillproject.net/m2/session/5679#739137</a>)</li> <li>- Speech by Mr. Eldridge (<a href="https://www.quillproject.net/m2/session/5584#843654">https://www.quillproject.net/m2/session/5584#843654</a>)</li> <li>- Speech by Mr. Yates (<a href="https://www.quillproject.net/m2/session/5687#739245">https://www.quillproject.net/m2/session/5687#739245</a>)</li> <li>- Speech by Mr. Saulsbury (<a href="https://www.quillproject.net/m2/session/5673#849070">https://www.quillproject.net/m2/session/5673#849070</a>)</li> <li>- Speech by Mr. Donnelly (<a href="https://www.quillproject.net/m2/session/5495#738983">https://www.quillproject.net/m2/session/5495#738983</a>)</li> <li>- Speech by Mr. Rogers (<a href="https://www.quillproject.net/m2/session/5480#738961">https://www.quillproject.net/m2/session/5480#738961</a>)</li> </ul>
<b>Terms &amp; Concepts to Understand</b>	<ul style="list-style-type: none"> <li>- <i>Enfranchisement/elective franchise</i> – the right to vote.</li> <li>- <i>Freedmen</i> – newly freed slaves.</li> <li>- <i>Sovereignty</i> – deciding power within a sphere of influence.</li> <li>- <i>Apportionment of representation</i> – the number of representatives a given state should have in Congress.</li> <li>- <i>Enumeration</i> – specific naming or listing of items, e. g. naming or listing of powers of Congress in Art. I, Sec. 8 of the Constitution</li> </ul>
<b>Scaffolding</b>	The teacher can work with the class to fill out the graphic organizer for the first source provided. Emphasize the social and political context of Reconstruction and how there were various positions on how to achieve the goal of peaceful reunification of the South while dealing with the issues of civil rights, representation, and federal power.

**Commented [1]:** @glorihsmith@gmail.com - Is this a good way to include scaffolding? I realized that the way we discuss the content and skills/dispositions is less that "this will be the next thing you do with your students" and more "remember to integrate both content knowledge and skills and dispositions in your plan." So the next 2 boxes are less "next step is..." and more "include throughout." Does that make sense? Anyway, it felt like scaffolding also was "include throughout" and less "the next step is..."  
\_Assigned to Glori Hodge Smith\_

**Commented [2]:** I think so.

<p><b>Content Knowledge</b></p> <p>Varies based on discipline, course, unit, lesson, standards, and mandates</p>	<p>A prominent concern going into the congressional session following the end of the Civil War was the basis of representation in Congress for the southern States. Months earlier, the Thirty-Eighth Congress had passed the Thirteenth Amendment abolishing slavery. With the abolition of slavery, the 3/5<sup>th</sup> Clause became irrelevant, thus increasing the number of individuals counted in the population census of the southern States. This increase would result in the increase of representatives of southern States in Congress. The fear was that the southern States, with their increased representation in Congress, would undo the progress made by the predominantly Republican Congress in civil rights matters. A joint committee was created to examine the southern States and establish the conditions for reunification.</p> <p>At the same time, Congress was trying to pass a law that would protect the rights of the newly freed slaves and give them equal protection under the law. This is known as the Civil Rights Act of 1866 (S. 61). Traditionally, the protection of civil rights was a power constitutionally understood to be under state jurisdiction. However, despite the abolition of slavery, Southern States continued to pass state laws that grossly violated the rights of the newly freed slaves and essentially returned them to slavery. The Civil Rights Act of 1866 was Congress's attempt to fix this issue.</p> <p>During the debates and proceedings pertaining to the drafting of the Civil Rights Act of 1866, the question was raised on the constitutionality of enacting such legislation. Representatives and Senators claimed constitutional authority for the bill using the Privileges and Immunities Clause of Article IV and Section Two of the Thirteenth Amendment. However, disagreement over the question of constitutionality threatened the passage of the bill. Rather than base the constitutionality of the act on ambiguous clauses of the Constitution, Congress made its authority to enact and enforce such legislation explicit by adding it to the Constitution. This, along with the protection of civil rights, was added to the list of issues to resolve through legislation and constitutional amendments.</p> <p>The members of Congress were all working towards a common goal of reunifying the northern and southern States. No one wanted another caning incident. But they had very different views as to how to achieve that goal. Some focused on securing the rights of the newly freed slaves so that another Civil War wouldn't break out; others focused on being agreeable to the southern States and not imposing "radical" legislation that would antagonize the South. The documents and graphic organizer</p>
--	--

should help the students be able to identify the different views of members of Congress on important topics such as civil rights, representation, and federal power, allowing them to better understand the complexities and nuances of reconstructing the Union after the Civil War.

The following links provide a visual model of the 14<sup>th</sup> Amendment as it was reported to the Senate by the special committee. As you click through the icons, you can see the many changes proposed to the text and the debates around those changes. This model can help students see that despite the differing opinions, the members of Congress were able to come to an agreement on the final text of the 14<sup>th</sup> Amendment.

<https://www.quillproject.net/m2/session/5692>

<https://www.quillproject.net/m2/session/5693>

<https://www.quillproject.net/m2/session/5694>

<https://www.quillproject.net/m2/session/5695>

<https://www.quillproject.net/m2/session/5696>

<https://www.quillproject.net/m2/session/5697>

<https://www.quillproject.net/m2/session/5698>

<https://www.quillproject.net/m2/session/5699>

<https://www.quillproject.net/m2/session/5700>

<https://www.quillproject.net/m2/session/5701>

<p><b>Skills &amp; Dispositions</b></p> <p>Skills and/or dispositions are a vital part of civics education, particularly when they are connected to the content knowledge. Teaching about the colonial Committees of Correspondence, for example, might be an apt time to teach and practice the skill of collaborating with others to bring about change. (see also list *)</p>	<p>If possible and age-appropriate, ask in the form of an open-ended and challenging <b>essential question</b>. The question should not only pique curiosity but also promote skills in civics, higher-level thinking, and historical literacy.</p> <p><i>Ex: Why are these freedoms important today? Can you think of a recent challenge to any of these freedoms? (civics) Are there times when these freedoms should be curtailed? (higher level thinking) What evidence do you have that backs up your interpretation? (historical literacy)</i></p> <p><b>Provide strategy instruction for skills and metaconcept(s), from both civics and historical literacy. Model civic dispositions.</b> Give opportunities for students to practice individually or in groups.</p> <p>Can you think of a current issue facing the United States where there are differing opinions on how to resolve the issue? Are there times that it is appropriate to deny certain groups of people rights? What evidence do you have that backs up your interpretation?</p>
<p><b>Primary Sources &amp; Case Studies</b></p> <p><i>Teaching History, Learning Citizenship: Tools for Civic Engagement</i> (2019) by Jeffery D. Nokes is a particularly useful resource for learning to teach with primary sources.</p>	<p>The primary source documents provided in this lesson come from the congressional debates around the drafting of the Civil Rights Act of 1866 and the Fourteenth Amendment. Excerpts from these speeches were selected to show the differing views the drafters had regarding the core issues of Reconstruction, namely civil rights, representation in Congress, and federal power. These sources highlight the complexity and nuances faced by Congress during Reconstruction. Engaging with these texts should encourage students to practice historical empathy, allowing them to see the issues from various standpoints and within the historical context of Reconstruction.</p>

<p><b>Graphic Organizer</b></p> <p>Graphic organizers are one way to encourage student analysis of primary source texts. The organizer may include questions for analyzing the texts as well as more global interpretive questions which students defend through their study of the primary source. See examples in Nokes (2019).</p>	<p>The graphic organizer for this lesson consists of the students filling out tables that compare and contrast the differing views of various members of Congress on the subjects of civil rights, federal power, and representation. After reading each primary source document, the student will identify the speaker in the source, their perspective on the topic, and identify the speaker's arguments for that perspective.</p>
---	---

**CLOSURE**

<p><b>Debriefing</b></p>	<p>Encourage students to share and evaluate interpretations based on evidence in the core documents.</p>
<p><b>Reinforcing Core Facts?</b></p> <p>Clarify any absolute facts</p>	<p>When lessons are based on authentic questions, there will be differences of opinion. The teacher has a responsibility to ensure that students understand how and why there are various legitimate and defensible positions. At the same time, any absolute facts should be reinforced by the teacher at lesson's end.</p>
<p><b>Reinforce Skills &amp; Dispositions</b></p>	<p>Also review any civic skills and dispositions learned and practiced during the lesson.</p>