

# Andrew Johnson

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## OVERVIEW

President Andrew Johnson saw himself as a protector of the United States Constitution during and after the Civil War. In his efforts to preserve and restore the Union, he supported the Thirteenth Amendment ending slavery. The same motive led him to oppose the Fourteenth Amendment because he believed it would infringe on the legitimate powers of the states. In this lesson, students analyze Johnson's leadership with respect to Reconstruction, and specifically his response to the passage of the Thirteenth and Fourteenth Amendments.

## OBJECTIVES

Students will:

- Trace the constitutional controversies of Andrew Johnson's presidency.
- Understand Johnson's constitutional objections to the Fourteenth Amendment and other elements of Reconstruction.
- Evaluate Johnson's understanding of the Constitution.

## MATERIALS

- **Handout A:** Andrew Johnson and the Civil War Amendments
- **Handout B:** Johnson's First Annual Message to Congress, December 1865

## BACKGROUND/HOMEWORK

Have students read **Handout A: Andrew Johnson and the Civil War Amendments** and answer the questions.

## CONSTITUTIONAL CONNECTION

To create a context for this lesson, students complete **Constitutional Connection: Slavery and the Constitution**.

## CRITICAL ENGAGEMENT QUESTION

How did President Andrew Johnson interpret the Constitution with respect to restoring the Union after the Civil War?

## WARM UP [10 MINUTES]

Show the thematic documentary *All Other Persons: Slavery, the Constitution, and the Presidency* found at [www.youtube.com/watch?v=TmMOvLCCO0c](http://www.youtube.com/watch?v=TmMOvLCCO0c).

## ACTIVITY [30 MINUTES]

Distribute **Handout B: Johnson's First Annual Message to Congress, December 1865**. Depending on students' reading skills, you may wish to:

- Have students analyze each section individually.
- Have students work in pairs to analyze each section.
- Have students work in pairs to analyze one section, and then have students jigsaw into new groups to share their responses.
- Make a transparency of Handout B and go over all the chart sections together.

## WRAP-UP [10 MINUTES]

Reconvene the class and conduct a large group discussion to answer the questions:

- Why do you think Johnson’s plans for “restoration” failed?
- Were his objections to the forced-ratification of the Fourteenth Amendment legitimate? Why or why not?
- In your opinion, did Johnson understand the Constitution correctly?

## HOMEWORK

Have students analyze the Fourteenth Amendment and write a brief essay with one of the following thesis statements:

- A.** The Fourteenth Amendment radically altered the Constitution.
- B.** The Fourteenth Amendment merely emphasized principles that were already in the Constitution.

## EXTENSION

Develop a timeline that shows legislation vetoed by President Johnson. For each law, summarize the following:

- name & date of bill
- purpose of bill
- why Johnson vetoed the bill
- further Congressional action, if any
- outcome of the law, if applicable

Students can begin their research at: [www.presidency.ucsb.edu/data/vetoed.php](http://www.presidency.ucsb.edu/data/vetoed.php) and [www.usconstitution.net/pres\\_veto.html](http://www.usconstitution.net/pres_veto.html)

## THE ISSUES ENDURE

Have students research Supreme Court cases involving the Fourteenth Amendment, including: the *Slaughterhouse Cases* (1873), the *Civil Rights Cases* (1883), *Plessy v. Ferguson* (1896), *Brown v. Board of Education* (1954), *University of California Regents v. Bakke* (1978). How would students assess the Court’s understanding of the amendment in each of these cases?

# Andrew Johnson and the Civil War Amendments

A

Andrew Johnson took the Presidential oath of office six days after the Confederate surrender at Appomattox had ended the Civil War. Johnson claimed that he would carry out Lincoln's plan for Reconstruction. However, he actually went in a different direction. While he welcomed the end of slavery, Johnson saw blacks as inferior and believed that efforts to protect their rights would slow the rebuilding process. "White men alone must manage the South," he once said. Johnson was unconcerned as states implemented Black Codes, laws restricting the rights of blacks. In contrast, Republicans in Congress hoped to severely punish the treason of the Confederate leaders and guarantee full civil and political rights for freedmen.

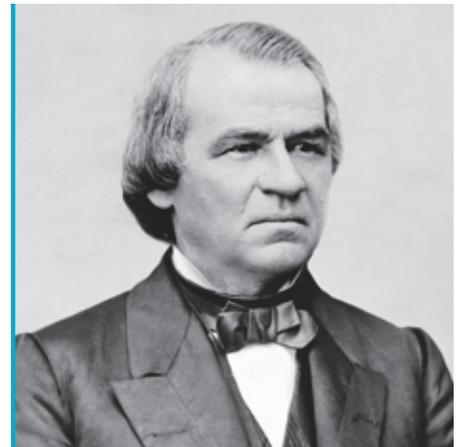
## "RESTORATION," NOT RECONSTRUCTION

Johnson, like Lincoln, maintained throughout the war that the Southern states had not actually seceded. The unlawful rebellion of certain people in the Southern states had deprived those states of the republican form of government guaranteed by the Constitution. For Johnson, the purpose of the war was to restore the Union and its republican form of government—not to protect the rights of blacks. In his first Annual Message to Congress, he said, "The Constitution is the work of 'the people of the United States,' and it should be as indestructible as the people."

The Constitution contained no set of rules for states leaving the Union, nor for their re-entry. Which branch of the national government would be in charge of Reconstruction? As President, Johnson maintained that Congress had no role in what he called the "restoration" process. While Congress was not in session in 1865, Johnson planned to restore the Southern states to the Union based mainly on their ratification of the Thirteenth Amendment which ended slavery.

While Johnson had opposed emancipation

early in his career, and had owned four slaves, he supported the Thirteenth Amendment because he saw the end of slavery as necessary to restore the Union. He also believed that ending the free labor of slavery would enable the middle and working classes to displace the rule of the South's planter aristocracy, a group he hated. In his first message to Congress on December 4, 1865, he said, "The adoption of the [Thirteenth] Amendment reunites us beyond all power of disruption; it heals the wound that is still imperfectly closed: it removes slavery, the element which has so long perplexed and divided the country..." All of the former Confederate states were ready to reenter the Union by the end of the year.



Members of Congress believed the legislative branch should guide Reconstruction. Among the actions Congress took to assert its power were extension of the Freedmen's Bureau, the Civil Rights Act of 1866, and several Reconstruction Acts. In the struggle between presidential authority and Congressional power, Johnson vetoed all of these bills. Congress quickly overrode his vetoes.

## THE FOURTEENTH AMENDMENT

Congress hoped to make protection of blacks' civil rights permanent through the Fourteenth Amendment to the Constitution. The Fourteenth Amendment was the first constitutional

amendment to place limits on state governments. It defined citizenship and required that “no state shall make or enforce any law” that denied due process and equal protection of the laws. States that denied blacks the right to vote would have their representation in Congress reduced proportionally. Ex-Confederate leaders would not be able to hold office.

The Fourteenth Amendment was a significant revision to the constitutional principle of federalism. The amendment dramatically limited the powers of states in an unprecedented way. Seceded states would not be admitted back to the Union unless they ratified it.

Johnson objected to the Fourteenth Amendment for several reasons. He argued that it was improper to amend the Constitution when Southern states were not represented in Congress. In addition, he believed that each state should be able to determine who had the right to vote. There is no constitutional role for a President in the amendment process, but Johnson sent Congress a special message explaining his disapproval of the amendment. Over the next few months he advised Southern legislatures to reject it.

## THE CONFLICT INTENSIFIES

Of the former Confederate states, only

Tennessee ratified the Fourteenth Amendment. It was readmitted to the Union in 1866. When the Republicans gained strength in congressional elections that year, the relationship between President and Congress became even more strained. The new Congress added more conditions that the Southern states had to meet in order to rejoin the Union. Under federal supervision as military districts, states slowly fulfilled the requirements. By 1868, seven more states had been readmitted.

Johnson and Congress continually clashed over Reconstruction. Congress eventually impeached him, though the vote fell one short of the two-thirds majority required to remove him from office.

Johnson saw a limited role for the federal government. He accepted the end of slavery but sought to “restore” the South to the Union while preserving states’ powers. The Republicans hoped to “reconstruct” the South in a manner that would both punish the Confederates and assure Republican political power by protecting the rights of blacks. Their conflict set the stage for an impeachment trial of the President, and reflected social and legal tensions that continue into the twenty-first century.

### CRITICAL THINKING QUESTIONS

1. How was Johnson’s goal for Reconstruction different from that of Republicans in Congress?
2. According to Johnson, what was the purpose of the Civil War?
3. Why did Johnson support the Thirteenth Amendment? Why did he oppose the Fourteenth Amendment?
4. In what ways is our nation still dealing with the issues over which Johnson and Congress clashed?

# Johnson's First Annual Message to Congress, December 1865

**DIRECTIONS:** President Johnson explained his approach to Reconstruction (or “restoration,” as he preferred to call it) in his first Annual Message to Congress in December 1865. Fill in the following table to analyze excerpts from Johnson’s restoration plan. Use additional paper if needed.

TOPIC	EXCERPT	PUT THIS IN YOUR OWN WORDS	DO YOU BELIEVE JOHNSON INTERPRETED THE CONSTITUTION CORRECTLY? EXPLAIN.
<p><b>1. Permanence of the Union and Importance of the Constitution</b></p>	<p>The Union of the United States of America was intended by its authors to last as long as the States themselves shall last. ...“To form a more perfect Union,” ...is the declared purpose of the Constitution. ...</p>		
<p><b>2. Relationship of the States to the central government</b></p>	<p>[I]t is not one of the rights of any State government to renounce its own place in the Union or to nullify the laws of the Union.... The best security for the perpetual existence of the States is the “supreme authority” of the Constitution of the United States...</p>		
<p><b>3. The right to vote</b></p>	<p>[The Founders] left each State to decide for itself the conditions for the enjoyment of the elective franchise.</p>		

# Johnson's First Annual Message to Congress, December 1865

TOPIC	EXCERPT	PUT THIS IN YOUR OWN WORDS	DO YOU BELIEVE JOHNSON INTERPRETED THE CONSTITUTION CORRECTLY? EXPLAIN.
<p><b>4. Amending the</b></p>	<p>The adoption of the amendment reunites us beyond all power of disruption; it heals the wound that is still imperfectly closed: it removes slavery, the element which has so long perplexed and divided the country; it makes of us once more a united people....</p>		
<p><b>5. Justice for the freedmen</b></p>	<p>Good faith requires the security of the freedmen in their liberty and their property, their right to labor, and their right to claim the just return of their labor.</p>		
<p><b>6. Equal laws</b></p>	<p>Our Government springs from and was made for the people—not the people for the Government. ... Here there is no room for favored classes or monopolies; the principle of our Government is that of equal laws and freedom of industry.</p>		

