When Congress reconvened in December 1865, it blocked President Johnson's attempts to restore the South quickly. It extended the life of the Freedmen's Bureau over the president's veto and passed another landmark law, the Civil Rights Act of 1866, again over the president's veto. This act made African Americans citizens and countered the 1857 *Dred Scott* decision, in which the Supreme Court had declared that no African American who was descended from a slave was or could ever be a citizen (Document 13-11).

Doubts about the constitutionality and permanence of the Civil Rights Act of 1866 prompted Congress to pass the Fourteenth Amendment. Ratified in 1868, this amendment for the first time constitutionally defined citizenship and some of the basic rights of citizenship; it also embraced the Republican program for Reconstruction.

*Source: Excerpt from* U.S. Statutes at Large, 14 (1868), 27ff.

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An Act to protect all Persons in the United States in their Civil Rights, and furnish the Means of their Vindication.

Be it enacted, That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.

SEC. 2. And be it further enacted, That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.

SEC. 3. And be it further enacted, That the district courts of the United States, . . . shall have, exclusively of the courts of the several States, cognizance of all crimes and offences committed against the provisions of this act, and also, concurrently with the circuit courts of the United States, of all causes, civil and criminal, affecting persons who are denied or cannot enforce in the courts or judicial tribunals of the State or locality where they may be any of the rights secured to them by the first section of this act. . . .

SEC. 4. And be it further enacted, That the district attorneys, marshals, and deputy marshals of the United States, the

commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting, imprisoning, or bailing offenders against the laws of the United States, the officers and agents of the Freedmen's Bureau, and every other officer who may be specially empowered by the President of the United States, shall be, and they are hereby, specially authorized and required, at the expense of the United States, to institute proceedings against all and every person who shall violate the provisions of this act, and cause him or them to be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States or territorial court as by this act has cognizance of the offence. . . .

SEC. 8. And be it further enacted, That whenever the President of the United States shall have reason to believe that offences have been or are likely to be committed against the provisions of this act within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal,