

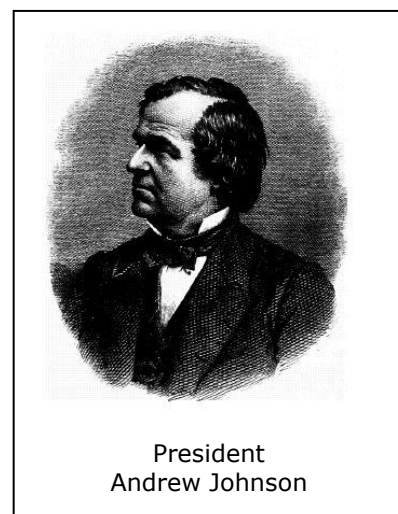
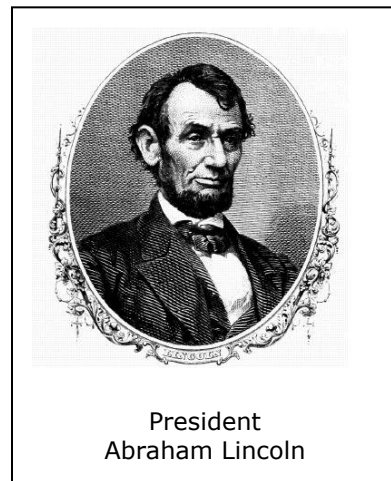
Thirty-Ninth Congress

Dec. 4, 1865-Mar. 3, 1867

Second Administration of Abraham Lincoln /Administration of Andrew Johnson*

*Following the assassination of Abraham Lincoln by John Wilkes Booth on April 14, 1865, Vice President Andrew Johnson assumed the Presidency on April 15, 1865.

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Historical Background

A new optimism was emerging in the Union as President Abraham Lincoln took the oath of office for his second term on March 4, 1865. From his victory in Atlanta, General William T. Sherman continued his march north, adding Savannah, Georgia, in December 1864, and Charleston, South Carolina, in February 1865, to the tally of his victories, and was poised to move on Fayetteville, North Carolina. Meanwhile, Union troops commanded by Maj. General John M. Schofield captured Wilmington, North Carolina on February 22nd, denying the Confederacy the last port through which trade and smuggling could be conducted. The days of the Confederacy were numbered as Union victories at the Battle of Five Forks in Virginia and the fall of Richmond in early April culminated in General Robert E. Lee's surrender at the Battle of Appomattox Court House on April 9th, effectively ending the American Civil War.

Any celebratory mood was to be short lived, however, as the famed actor John Wilkes Booth assassinated President Abraham Lincoln as he enjoyed a play with his wife at Washington's Ford's Theatre on the evening of April 14, 1865. Vice President Andrew Johnson was administered the oath of office the following day, assuming the Presidency and with it the power to oversee the postwar Reconstruction of the South. Following the example of his murdered predecessor, Johnson was convinced that lenient and speedy return of the Southern States to the Union would be necessary to heal the wounds of the war and he was therefore willing to let the freed slaves' former masters determine their fate. Congress, however, had other ideas for how to redress the recent schism. A majority in Congress, sought to

"reconstruct" the South, by which was meant a complete restructuring of the political architecture of the former rebellious states. The ultimate aims of this policy of Reconstruction were manifold. These included ensuring the legal protections established by the recently adopted 13th, and subsequent 14th, amendments to the U.S. Constitution, and guaranteeing the legal equality of the recently freed African American slaves. Congressional Reconstruction policy, however, also included stipulations for the readmission of the former rebellious states to the Union that were judged by many to be onerous and vindictive.

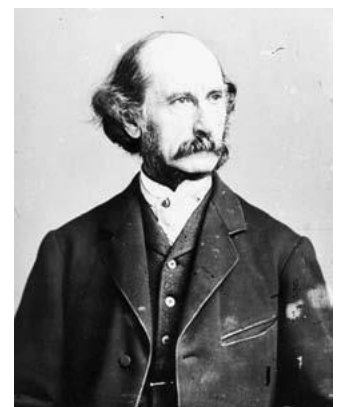
Congress's Reconstruction policy faced pushback when southern States began to pass laws defining the status of African Americans. These new "black codes" revealed Southern determination to keep African-Americans in separate and inferior positions. Attempting also to protect African-Americans against terrorism, Congress overrode a Presidential veto and approved the Civil Rights Act of April 9, 1866, which sought to grant freed slaves the protections of Federal citizenship, thus the same rights and protection as whites regardless of local statutes. Furthermore, it authorized the use of Federal troops to enforce its privileges and penalties. Heartened by their success, Congress on July 16 overrode a second Presidential veto, to extend the Freedmen's Bureau for two more years.

When the constitutionality of the Civil Rights Act of 1866 was questioned, Congress, on June 16, 1866, passed the 14th amendment to assure constitutional authority for the law. By spring 1867, a fierce struggle between the White House and Capitol Hill was well underway. On the one hand, so-called Radical Republicans in Congress, such as Pennsylvania Representative Thaddeus Stevens, advocated a wholesale reorganization of the networks of political power in the South, including guaranteeing political rights for the newly-freed Black slaves. Whereas President Johnson, who employed the rhetoric of the Radicals when campaigning for the Vice Presidency, adopted Lincoln's more moderate stance upon assuming the Presidency. Thus, for Johnson, as for Lincoln before him, a policy of leniency toward the former secessionist states represented the best opportunity to heal the wounds of the long and bitter sectional dispute. On March 2, 1867, in its final hours and after long debate, the outgoing 39th Congress approved a bill "to provide for the more efficient Government of the Rebel States." This First Reconstruction Act returned the South, two years after the conclusion of the war, to military rule. Johnson's veto, which was not unexpected, condemned the bill as "utterly destructive" to the "principles of liberty." The veto was promptly overridden.

The passage of the First Reconstruction Act laid the roadmap for the erstwhile Confederate states to be readmitted to the Union and regain their seats in Congress. Among other requirements, each State was required to convene a Constitutional convention by election via universal male suffrage. The Congress had the authority to review new state constitutions, which were required to guarantee the voting rights of the newly freed Black slaves. Further, each state was required to ratify the 14th amendment to the Constitution as a precondition of readmission.

House	Senate*
Majority Party: Republican (139 seats)	Majority Party: Republican (39 seats)
Minority Party: Democrat (38 seats)	Minority Party: Democrat (11 seats)
Other Parties: Unconditional Unionist (13 seats); Unionist (5 seat); Independent Republican (1 seat)	Other Parties: Unconditional Unionist (3 seats); Unionist (1 seat)
Speaker of the House: Schuyler Colfax	President Pro Tempore: Lafayette Foster

**The decrease in total number of seats is due to secession of Confederate states. As members left the Senate to join the Confederacy, or were expelled for supporting the rebellion, seats were declared vacant. To establish a quorum with fewer members, a lower total seat number was taken into account.*



President Pro Tempore
Lafayette Foster

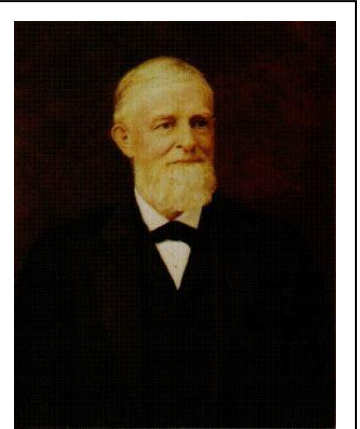
Even after this impressive victory, Congressional leaders feared that Johnson might use his authority as commander-in-chief to subvert their intentions. To trim the President's power, the Army Appropriations Act was amended to require Johnson to issue all military orders through General of the Army Ulysses S. Grant. This law virtually stripped the President of his constitutionally enumerated command of the military. On March 2, Congress passed, over Johnson's veto, the Tenure of Office Act, which made it an impeachable offense for him to remove appointed office-holders without first consulting the Senate.

Source:

Dell, Christopher and Stephen W. Stathis. [*Major Acts of Congress and Treaties Approved by the Senate, 1789-1980*](#). Government Division (CRS), Sept. 1, 1982. 97th Congress, 2nd Session, 82-156 GOV. ProQuest Congressional, CRS-1982-GOV-0005

Johnson, Andrew. [*Message of the President of the United States, and accompanying documents, to the two houses of Congress, at the commencement of the first session of the Thirty-ninth Congress*](#). House, Dec. 4, 1865. 39th Congress, 1st Session, H.exdoc.1/1. (Pr17.1:865) ProQuest Congressional, 1244 H.exdoc.1/1

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Speaker of the House
Schuyler Colfax

War or Peace?

American Civil War

On April 9, 1865 at Appomattox Court House, Lieutenant General Ulysses S. Grant accepted the surrender of General Robert E. Lee and his Army of Northern Virginia, numbering some 26,000 men. This surrender meant that further Confederate resistance was futile, and effectively ended the American Civil War.

Following General Lee's surrender and a few days into his second presidential term, President Lincoln's life abruptly ended. On the evening of April 14, 1865, Lincoln and his wife attended a play at Ford's Theater when actor John Wilkes Booth slipped into the presidential box and shot the president. Lincoln was carried to a house across the street where he died early the next morning. Many Union generals feared reprisals and cautioned their troops that President Lincoln would have wanted a peaceful resolution. The loss of the President added a grim coda to the unprecedented carnage of the American Civil War.

The business of the U.S. War Department after the war's conclusion was primarily that of retooling to a more orthodox defense posture. This included the disbanding of volunteer forces, the collection and disposition of scattered war materiel, and the re-focusing of military assets toward potential belligerents in territories inhabited by Native Americans, including the Northern Paiute, Bannock, and Western Shoshone bands along the Snake

river in the Pacific Northwest, The Ute, Southern Paiute, Apache, and Navajo tribes in the Utah territory, and especially the Comanche in Texas.

A vestige of the late state of war within the territory of the United States was the disposition of claims against Great Britain for damages sustained as a result of that government's ambivalent posture during the war. Though the British government maintained official neutrality during the whole of the conflict, they did grant the secessionist states of the Confederacy belligerent rights, resulting in British participation in missions to defeat Union blockades of Southern ports and even the construction of warships for the use of the Confederate Navy. The government of British Prime Minister Lord Palmerston flatly refused to pay these claims and instead offered to submit to arbitration, which the Johnson Administration declined. After Palmerston's death, the government of Prime Minister William Ewart Gladstone agreed that the issues stemming from the war years could be included in previously agreed upon treaty negotiations, though the issue would not be settled until the enactment of the 1871 Treaty of Washington.

Sources:

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Stanton, Edwin M. [*Annual report of Secretary of War, 1866*](#). House, Nov. 14, 1866. 39th Congress, 2nd Session, H.exdoc.1/17. ProQuest Congressional, 1285 H.exdoc.1/17

Economic Trends and Conditions

There is little question that the Civil War and the imposition of Reconstruction had a negative impact on the economy of the southern states during the years immediately following the end of the war. In 1860, just before the southern States began to recede, per capita incomes in the south were 72% of the national average, whereas in 1880, subsequent to the period of Reconstruction, that figure had dropped to 51%. The abolition of the institution of slavery was an important contributor to this change in the South's economic circumstances. However, the region's historical reliance on an agriculture, as opposed to the industrialized economy of the North, had a profound impact on the south's declining economic fortunes.

The end of the war and the creation of a new class of independent citizens in the newly freed Black slaves was one of the key challenges faced by the post-bellum United States. The New Freedmen's Bureau Act continued the operation of the Freedmen's Bureau for an additional two years, though the southern states put up numerous roadblocks to the advancement of African Americans, including the imposition of Black Codes.

Slavery, the central institution of antebellum southern life, was simultaneously a system of labor, a form of race relations, and the foundation of a distinctive regional ruling class. Its demise led inevitably to conflict between blacks seeking to breathe substantive meaning into their freedom and planters seeking to retain as much as possible of the old order. Out of this conflict arose new systems of labor and new kinds of relations between black and white southerners.

Many freedmen in 1865 and 1866 refused to sign labor contracts, expecting the federal government to provide them with farms of their own, to which their past labor, they believed, entitled them. In some localities, as an Alabama overseer reported, they "set up claims to the plantation and all on it." But President Andrew Johnson in the summer of 1865 ordered land in federal hands to be returned to its former owners. Most rural blacks remained property-less and poor, as did those who flocked to southern towns and cities after the Civil War in an unsuccessful search for better employment opportunities.

Beyond these profound changes in economic life in the post-bellum south, the Federal government was eager to begin to pay back the monies it had borrowed to prosecute the war. To this end, the National Bank Acts were strengthened by an amendment that extended to individuals the 10% tax levied against state banks that issued bank notes.

Sources:

Johnson, Andrew. [*Message of the President of the United States, and accompanying documents, to the two houses of Congress, at the commencement of the first session of the Thirty-ninth Congress*](#). House, Dec. 4, 1865. 39th Congress, 1st Session, H.exdoc.1/1. (Pr17.1:865) ProQuest Congressional, 1244 H.exdoc.1/1

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Stanton, Edwin McMasters. [*Letter from the Secretary of War, in answer to a resolution of the House of March 8, transmitting a report, by the Commissioner of the Freedmen's Bureau, of all orders issued by him or any assistant commissioner*](#). Committee on Freedmen's Affairs. House,

Constitutional Amendments

Fourteenth Amendment. Declared that all persons born or naturalized in the United States were citizens, and that any State which withheld the vote of any male over 21 would be denied a proportionate representation in Congress. Disqualified former officeholders who aided the Confederacy from holding either a Federal or State office (except in those instances when this disability was removed by a two-thirds vote of both Houses). Secured the validity of the Union debt and repudiated the rebel war debts as illegal and void. Also, empowered Congress to enforce the various provisions of the amendment through appropriate legislation. Approved by Congress June 16, 1866. Ratified by requisite number of States July 9, 1866. ([14 Stat. 358](#))

Source:

Costello. George A. and Johnny H. Killian. [Constitution of the United States of America, Analysis and Interpretation](#). CRS, Library of Congress, Jan. 1, 1996. 103rd Congress, 1st Session, S. Doc. 103-6 (Y1.1/3:103-6). ProQuest Congressional, 14152 S.doc.6

Landmark U.S. Supreme Court Decisions

Ex parte Milligan, concluded that except in areas in which armed hostilities have made enforcement of civil law impossible, constitutional rights may not be suspended and civilians subjected to the changes of military justice, 71 U.S. (4 Wall.) (1866)

Ex parte Garland, concluded that Congress could not punish a person for a crime for which they had been previously pardoned, 71 U.S. 333 (1867)

Source:

Costello. George A. and Johnny H. Killian. [Constitution of the United States of America, Analysis and Interpretation](#). CRS, Library of Congress, Jan. 1, 1996. 103rd Congress, 1st Session, S. Doc. 103-6 (Y1.1/3:103-6). ProQuest Congressional, 14152 S.doc.6

1865 Events

- **Jan. 4:** The New York Stock Exchange opens first permanent branch near Wall Street in New York City
- **Feb. 21:** [John Deere receives a patent for the farming tool, the plow](#)
- **Mar. 4:** [President Abraham Lincoln is inaugurated for his second term](#)
- **Apr. 9:** *American Civil War* - [Confederate General Robert E. Lee surrenders his forces to Union General Ulysses S. Grant at Appomattox Courthouse in Virginia](#)
- **Apr. 14:** [President Lincoln is assassinated by Confederate sympathizer John Wilkes Booth](#)

- **Apr. 15:** John Wilkes Booth arrives at the Maryland home of Dr. Samuel Mudd, accompanied by co-conspirator David Herold, seeking treatment for the broken leg the actor sustained in his escape from Ford's Theatre
- **Apr. 23:** John Wilkes Booth and David Herold finally cross over to the Virginia shore near Machodoc Creek after several unsuccessful attempts
- **Apr. 24:** John Wilkes Booth and David Herold arrive at the farm of Richard H. Garrett and his family, who had yet to learn of Lincoln's assassination. Introducing himself as "James W. Boyd," Booth claimed he was a Confederate soldier injured in the Battle of Petersburg and making his way home
- **Apr. 26:** Lieutenant Colonel Everton Conger tracks down John Wilkes Booth and David Herold, who were hiding in a tobacco barn; Herold's surrenders and in the face of Booth's refusal, soldiers set fire to the barn, allowing Sergeant Boston Corbett to shoot Booth and then extract him from the inferno, where he expires
- **May 29:** *American Civil War* - [President Andrew Johnson issues an amnesty proclamation for citizens of the former Confederated States of America](#)
- **June 23:** *American Civil War* - The last sizable company of Confederate Army, commanded by General Stand Watie, surrenders at Fork Towson, Oklahoma Territory, officially ending the American Civil War
- **July 7:** [Mary Suratt, George Atzerodt, David Herold, and Lewis Powell, convicted co-conspirators in President Lincoln's assassination, are hanged at Fort McNair in Washington, D.C.](#)
- **Sept. 26:** Confederate guerrilla Champ Ferguson is convicted of war crimes against Union for the murder of 53 people, victims being both citizens and soldiers
- **Oct. 11:** Florida drafts its constitution for statehood in Tallahassee
- **Nov.:** *Reconstruction* - Mississippi enacts a series of laws, the first of the so-called Black Codes, designed to preserve the predominance of Whites in the state by severely restricting the political and economic opportunities of African Americans
- **Nov. 10:** *American Civil War* - [In Andersonville, Georgia, Mayor Henry Wirz is hanged for war crimes during his tenure as superintendent of the Andersonville Prison Camp](#)
- **Dec.:** *Reconstruction* - South Carolina passes its own Black Code law, modeled after those of Mississippi, severely restricting the social, political, and economic prospects for people of color in the state
- **Dec. 18:** [The Thirteenth Amendment is officially ratified by two-thirds of states, legally outlawing slavery and freeing 45,000 slaves remaining from Delaware and Kentucky](#)

1866 Events

- **Feb. 13:** Jesse James' gang commits the first daylight bank robbery during peacetime in Liberty, Missouri

- **Mar. 13:** [U.S. Congress passes the Civil Rights Acts of 1866, granting protection of rights to African-Americans; President Johnson vetoed, which was overridden in April](#)
- **Apr. 4:** [Russian Tsar Alexander II escapes an assassination attempt in Kiev, Ukraine](#)
- **May 1-3:** *Reconstruction* – Memphis Massacre of 1866: After an altercation between White police officers in Memphis and recently discharged Black Union soldiers, mobs of White civilians plundered Black neighborhoods in the city, killing nearly 50 civilians, raping five, and looting and burning scores of Black homes and businesses
- **May 16:** [U.S. Congress approves the minting of a 5-cent piece, the nickel](#)
- **June 14:** Austrians and most German states declare war against Prussia
- **July 16:** [Congress overrides the Presidential veto against the extension of the Freedmen's Bureau and is able to extend it for two additional years](#)
- **July 24:** *Reconstruction* – [Tennessee becomes the first former-Confederate state readmitted to the Union](#)
- **July 30:** *Reconstruction* – [New Orleans Massacre of 1866: White Democrats set upon a group of mostly Black Republicans who had convened a new Louisiana Constitutional Convention, killing 47](#)
- **Aug. 23:** The Prussian-Austrian War ends with the signing of the Treaty of Prague
- **Oct. 12:** The Treaty of Vienna is signed, ending war between Italy and Austria

Sources:

[“An Act to authorize the Coinage of Five-cent Piece.”](#) (14 Stat. 47, Chap. 81; May 16, 1866). ProQuest Congressional

[“An Act to continue in force and to amend ‘An Act to establish a Bureau for the Relief of Freedmen and Refugees,’ and for other Purposes.”](#) (14 Stat. 173, Chap. 200; July 16, 1866). ProQuest Congressional

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Johnson, Andrew. [Certifying that the amendment to the Constitution of the U.S. prohibiting slavery has been ratified by the legislatures of the requisite number of States, and has become valid as a part of the Constitution](#). Numbered Presidential Proclamations, Dec. 18, 1865. 39th Congress, 1st Session, Presidential Proclamation No. 149. ProQuest Congressional, 1865-PR-149

Johnson, Andrew. [Establishment of military commission for Abraham Lincoln assassination trial](#). Unnumbered Executive Orders, Directives, and Proclamations, May 1, 1865. 39th Congress, 1st Session. Unnumbered Executive Order, ProQuest Congressional, 1865-20-7

Johnson, Andrew. [Granting amnesty to participants in the rebellion, with certain exceptions. Numbered Presidential Proclamations](#), Numbered Presidential Proclamations, May 29, 1865. 39th Congress, 1st Session. Presidential Proclamation No. 134, ProQuest Congressional, 1865-PR-134

Johnson, Andrew. [Message from the President of the United States, communicating a translation of a letter of the 17th of August last from his Majesty Alexander, Emperor of Russia, in reply to the joint resolution of Congress approved on the 16th of May, 1866, relative to the attempted assassination of the Emperor](#). Committee on Foreign Relations. Senate, Dec. 14, 1866. 39th Congress, 2nd Session, S.exdoc.1. ProQuest Congressional, 1276 S.exdoc.1

["Joint Resolution restoring Tennessee to her Relations to the Union."](#) (14 Stat. 364; July 24, 1866). ProQuest Congressional

Lincoln, Abraham. [To Ulysses S. Grant: \[orders General Grant not to confer with General Robert E. Lee on political questions, and only to confer on the matter of the surrender of Lee's army\]](#). Public Papers of the Presidents, Mar. 3, 1865. 39th Congress, 1st Session. ProQuest Congressional, 1865-21-73

["Public law 88-427."](#) (78 Stat. 436; Aug. 14, 1964). ProQuest Congressional

Theaker, Thomas Clarke. [Annual report of the Commissioner of Patents for the year 1865](#). Patent Office, Department of Interior, Jan. 31, 1866. 39th Congress, 1st Session, H.exdoc.52. ProQuest Congressional, 1257 H.exdoc.52

U.S. Senate. 39th Congress. ["S. 61: A Bill To protect all persons in the United States in their civil rights, and furnish the means of their vindication."](#) (Version 6; Version Date: Mar. 13, 1866). ProQuest Congressional

Major Acts

Civil Rights Act of 1866. Granted citizenship to all persons born in the United States; gave all citizens (except Indians) the same civil rights; and provided for the punishment of persons who prevented the free exercise of these rights. Approved Apr. 9, 1866. ([14 Stat. 27, Chap. 31](#))

National Bank Act of 1866. Reduced internal taxation and amended the National Bank Act of 1863 to include persons in addition to state banks and banking associations to be taxed ten percent on any notes paid out by them. Approved July 13, 1866. ([14 Stat. 98, Chap. 184](#))

New Freedmen's Bureau Act. Authorized continuation of the Freedmen's Bureau for an additional two years. Approved July 16, 1866. ([14 Stat. 173, Chap. 200](#))

First Reconstruction Act. Divided the States of the former Confederacy (except for Tennessee) into five military districts. Each district was to be commanded by a general who was authorized to employ at his discretion military courts and forces to maintain law and order. The ten States were to be readmitted to the Union after they called constitutional conventions, elected by universal manhood suffrage, which would establish State governments guaranteeing African-American suffrage and which would ratify the Fourteenth amendment. Those persons disqualified under the

proposed Fourteenth amendment were excluded from voting for and serving in the State conventions. Congress reserved to itself the power to review each case, end military rule, and seat Representatives. Approved Mar. 2, 1867. ([14 Stat. 428, Chap. 153](#))

Tenure of Office Act. Prohibited the President from removing civil officials appointed by and with the advice of the Senate without first obtaining Senatorial approval. Approved Mar. 2, 1867. ([14 Stat. 430, Chap. 154](#))

Command of the Army Act. Required that the President and the Secretary of the War issue all military orders through the General of the Army. Also disbanded the Southern State militias. (Attached as an amendment to the Army Appropriation Bill.) Approved Mar. 2, 1867. ([14 Stat. 485, Chap.170](#))

Source:

Dell, Christopher and Stephen W. Stathis. [Major Acts of Congress and Treaties Approved by the Senate, 1789-1980](#), Government Division (CRS), Sept. 1, 1982. 97th Congress, 2nd Session, 82-156 GOV. ProQuest Congressional, CRS-1982-GOV-0005

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