

# Civil Rights Act of 1866

by United States Congress

April 09, 1866

EDITED AND INTRODUCED BY SCOTT YENOR

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## Introduction

An alliance between the old leaders of the South and President Andrew Johnson emerged from the reconstruction he directed. Johnson accepted every restored Southern government and liberally pardoned those who participated in the rebellion. He did not confiscate their estates. He did little to protect the freedmen. Under his direction, the South was restored but not reformed.

The Republicans elected in 1864 did not stand idly by and watch what they viewed as the squandering of the Union victory. Late in 1865 they established the Joint Committee on Reconstruction to ascertain what was going on in the South. What they learned was consistent with [Carl Schurz's Report on the Condition of the South](#). Most concerning to the Republicans was the complacent acceptance of an only nominal freedom for the former slaves. In February 1866, Congress passed, over Johnson's veto, a bill extending the life and increasing the powers of the Freedman's Bureau. This bill allowed the national government to continue its direct assistance to freed slaves. Republicans then saw that it was necessary to ensure that states would protect the basic civil rights of all their citizens. They took up the monumental issue of the national government protecting civil rights, the protection of which had long been considered the domain of state governments. The Senate passed the bill in February (33-12), while the House passed it in mid-March (111-38). Johnson vetoed it. But by April 9 both the House (122-41) and the Senate (33-15) overrode Johnson's veto and the bill became law. This bill exemplifies the approach to reform that came to be called Radical Reconstruction.

*—Scott Yenor*

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*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, 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 . . .

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 . . . and every other officer who may be specially empowered by the President of the United States, shall be . . . specially authorized and required, at the expense of the United States, to institute proceedings against . . . every person who shall violate the provisions of this act, and cause him or them to be arrested and imprisoned, or bailed . . . for trial before such court of the United States or territorial court as by this act has cognizance of the offence. . . .

. . .

Sec. 6. *And be it further enacted*, That any person who shall knowingly and willfully obstruct, hinder, or prevent any officer . . . charged with the execution of any warrant . . . or shall rescue or attempt to rescue such person from the custody of the officer . . . or shall aid, abet, or assist any person so arrested . . . to escape from the custody of the officer . . . or shall harbor or conceal any person for whose arrest a warrant or process shall have been issued . . . so as to prevent his discovery and arrest after notice or knowledge of the fact that a warrant has been issued for the apprehension of such person, shall . . . be subject to a fine . . . and imprisonment not exceeding six months. . . .

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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 . . . it shall be lawful for him . . . to direct the judge, marshal, and district attorney . . . to attend at such place . . . for the purpose of the more speedy arrest and trial of persons charged with a violation of this act; and it shall be the duty of every judge or other officer, when any such requisition shall be received by him, to attend at the place and for the time therein designated.

Sec. 9. *And be it further enacted*, That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation and enforce the due execution of this act.

Sec. 10. *And be it further enacted*, That upon all questions of law arising in any cause under the provisions of this act a final appeal may be taken to the Supreme Court of the United States.

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