

## The 13th, 14th, and 15th Amendments - Congress investigates the KKK Sources

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Washington: Govt. Print. Off. (1872a, January 1). Report of the Joint Select Committee to inquire into the condition of affairs in the late insurrectionary states, made to the two houses of Congress February 19, 1872: United States. Congress. Joint Select Committee on the condition of affairs in the late insurrectionary states: Free download, Borrow, and streaming. Internet Archive. <https://archive.org/details/reportofjointsel02unit/page/86/mode/2up>

*In this adapted 1868 report, General Oliver O. Howard speaks as commissioner of the Freedmen's Bureau, the federal agency charged with rebuilding the South after the Civil War. Here Gen. Howard describes KKK activity in Louisiana:*

In some sections the treatment of the colored people has been deplorable. Outrage and crimes of every description have been **perpetrated** upon them with **impunity**. In these areas, the character of the local public officials is not as high as could be desired. Many of them have helped violent men escape punishment, while some have even participated in the violence. In other areas lawless ruffians have overwhelmed the civil authorities. "Vigilance committees" and "Ku Klux Klans," disguised by night, have burned the dwellings and shed the blood of innocent freedmen.

**Perpetrated:** carry out or commit

**Impunity:** exemption from punishment



Source 1A	Text of the 13 <sup>th</sup> , 14 <sup>th</sup> , and 15 <sup>th</sup> Amendments
U.S. Const. amend. XIII, U.S. Const. amend. XIV, U.S. Const. amend. XV	

### 13th Amendment (ratified December 6, 1865)

#### Section 1

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

#### Section 2

Congress shall have power to enforce this article by appropriate legislation.

### 14th Amendment (ratified July 28, 1868)

#### Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

#### Section 2

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

#### Section 3

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

#### Section 4

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United



States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

#### Section 5

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

### **15th Amendment (ratified February 3, 1870)**

#### Section 1

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

#### Section 2

The Congress shall have power to enforce this article by appropriate legislation.



U. S. Congress, *Senate Executive Document No. 2, 39th Congress, 1st Session*, (Washington, D. C.: G.P.O., 1865), 93-94.

"Excerpt from Mississippi Black Codes (1865)." *Facing History and Ourselves*, Facing History and Ourselves, 14 Mar. 2016, [www.facinghistory.org/resource-library/excerpt-mississippi-black-codes-1865#citation-information-986](http://www.facinghistory.org/resource-library/excerpt-mississippi-black-codes-1865#citation-information-986).

*Acts and Resolutions Adopted by the General Assembly of Florida at Its Fourteenth Session, Begun and Held at the Capitol, in the City of Tallahassee, on Monday, December 18, 1865* (Tallahassee, FL: Dyke & Sparhawk, 1866), 25-27. Chapter 1,460 [ No. 3. ]—An Act Prescribing Additional Penalties for the Commission of Offences against the State, and for Other Purposes, §§ 12-15. Passed the House of Representatives January 4, 1866. Passed the Senate January 8, 1866. Approved by the Governor January 15, 1866.

### Louisiana (1865)

"Every negro is required to be in the regular service [employment] of some white person, or former owner, who shall be held responsible for the conduct of said negro. But said employer or former owner may permit said negro to hire his own time [get additional work] by special permission in writing, which permission shall not extend over seven days at any one time."

"No negro shall be permitted to rent or keep a house within said parish [community]. Any negro violating this provision shall be immediately ejected and compelled to find an employer; and any person who shall rent, or give the use of any house to any negro, in violation of this section, shall pay a fine of five dollars for each offence."

### Mississippi: (1865)

"All contracts for labor made with freedmen, free negroes, and mulattoes for a longer period than one month shall be in writing... and if the laborer shall quit the service of the employer before the expiration of his term of service, without good cause, he shall forfeit [surrender] his wages for that year up to the time of quitting."

"...It shall not be lawful for any freedman, free negro, or mulatto to intermarry with any white person; nor for any white person to intermarry with any freedman, free negro, or mulatto; and any person who shall so intermarry, shall be deemed guilty...[and] confined in the State penitentiary for life."

### Florida: (1865)

"No person shall be a Representative [elected to office] unless he be a white man, a citizen of the United States, and shall have been an inhabitant of the State two years next preceding his election..."

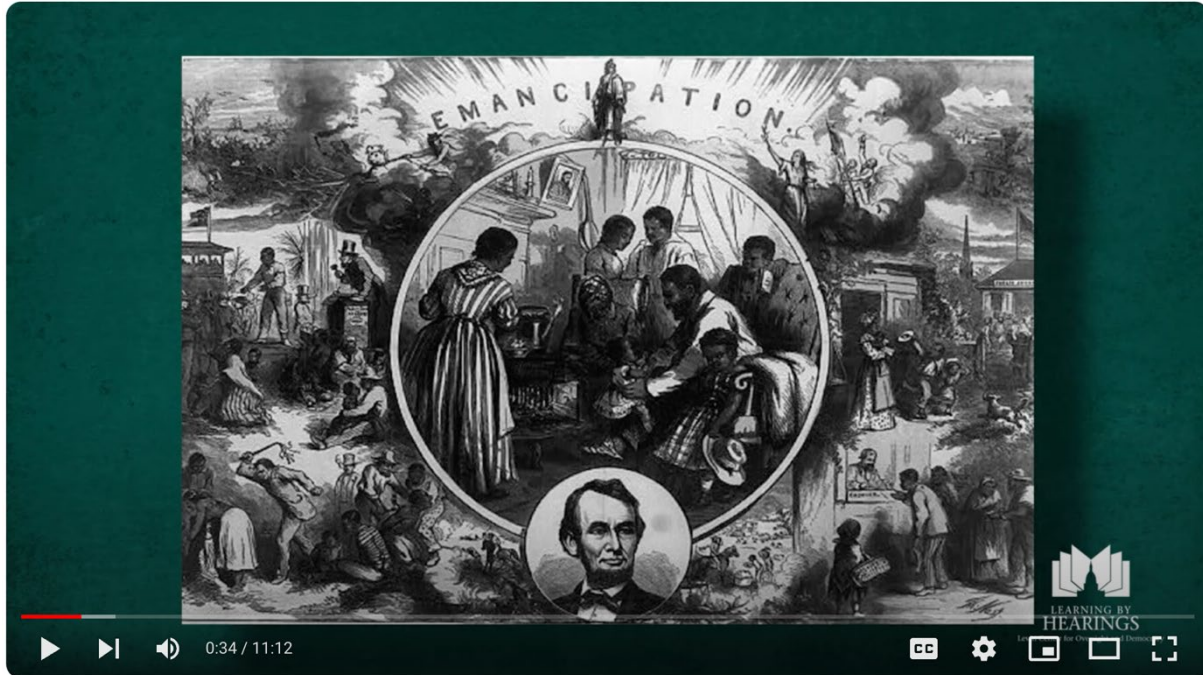
"...It shall not be lawful for any negro, mulatto, or other person of color, to own, use or keep in his possession or under his control, any Bowie-knife, dirk, sword, fire-arms or ammunition of any kind, unless he first obtain a license to do so from the Judge...and any negro, mulatto, or other person of color, so offending...shall be sentenced to stand in the pillory [wooden post] for one hour, or be whipped, not exceeding thirty-nine stripes, or both..."

Source 2A

Portraits in Oversight: The KKK and Reconstruction

Levin Center for Oversight and Democracy. (2024, September 23). Portraits in Oversight- The KKK and Reconstruction. YouTube. <https://youtu.be/AQeyioBUa5k>

*Note to teacher-stop the video at 03:09.*



Portraits in Oversight: The KKK and Reconstruction (Learning by Hearings)

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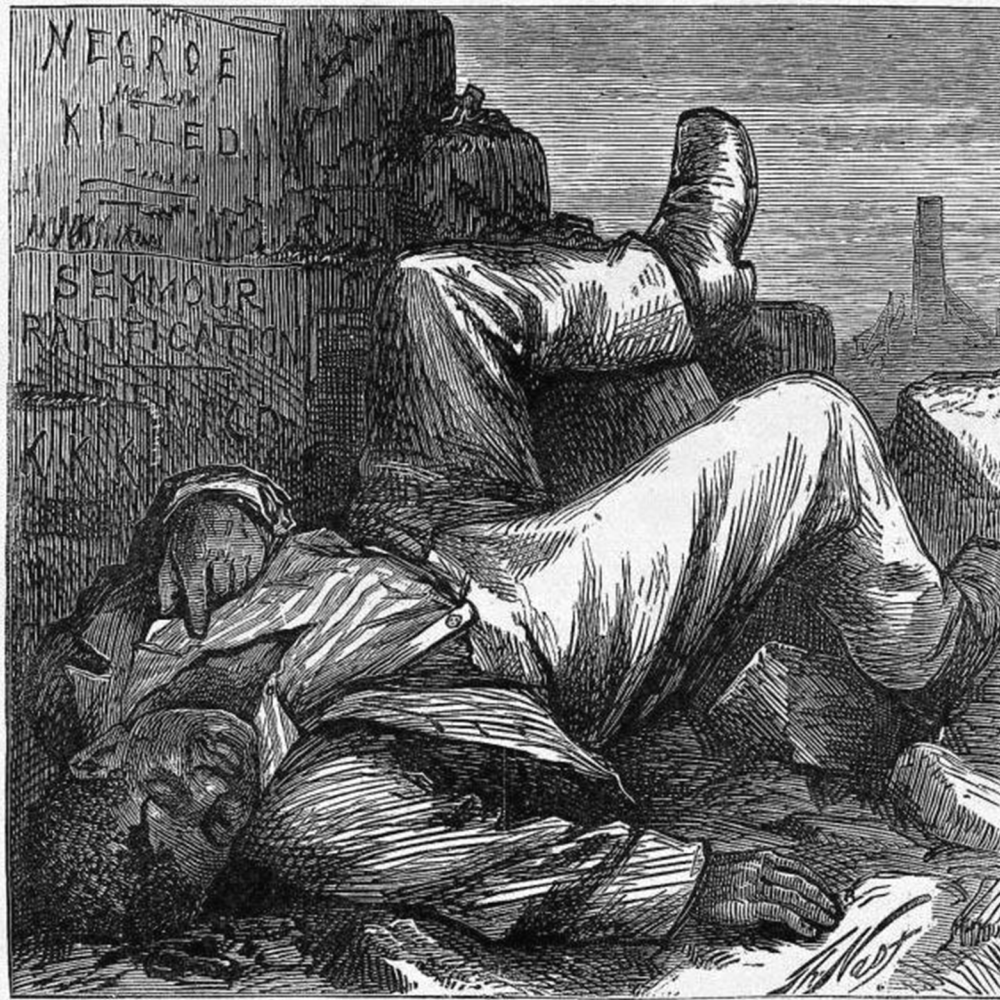


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Nast, T. (1868, April 8). *One Less Vote*. HarpWeek. <https://elections.harpweek.com/1868/cartoon-1868-large.asp?UniqueID=27&Year=1868>



"ONE VOTE LESS."—*Richmond Whig*.

**Source 2C**

Excerpts from the congressional investigation

Washington: Govt. Print. Off. (1872, January 1). *Report of the Joint Select Committee to inquire into the condition of affairs in the late insurrectionary states, made to the two houses of Congress February 19, 1872: United States. Congress. Joint Select Committee on the condition of affairs in the late insurrectionary states: Free download, Borrow, and streaming.* Internet Archive. <https://archive.org/details/reportofjointsel12unit>

**Excerpt 1**

*In this testimony on November 11, 1871, the Joint Standing Committee examines a white teacher from Illinois, Sarah A. Allen, who has recently been teaching in a Black school in Columbus, Mississippi. Allen tells the Committee the KKK told her to stop teaching.*

**Question.** Were you teaching in a white or colored school?

**Answer.** A colored school.

**Question.** You may state to the committee whether you were interrupted by any persons in your business.

**Answer.** I taught six weeks, until I think the 18th of March, when I was told to leave; warned to leave, between 1 and 2 o'clock at night, by about fifty men, I think; they were disguised; there were but two that came into my room.

**Question.** Do you say they came into your room?

**Answer.** Between 1 and 2 o'clock at night I was wakened by a great noise around on the outside of the house. They told me to get up. I went to the window and asked what they wanted. They said they wanted me to get a light and dress... I admitted them... The lieutenant came with a pistol in his hand. He sat down opposite the fireplace. The captain sat in the center of the room. There were eight or ten men stood inside the door, and the porch was full...

**Question.** Did they say what their motive was for breaking up your school?

**Answer.** Yes. They did not want radicals [Republicans] there in the South; did not want northern people teaching there; they thought the colored people could educate themselves if they needed any education; they advised me to go home again...

**Question.** Can you give the committee a description of the disguises they wore?

**Answer.** They were long white robes, a loose mask covered the face, trimmed with scarlet stripes. The lieutenant and captain had long horns on their head, projecting over the forehead...

**Excerpt 2**

*In this testimony on October 28, 1871, the Joint Standing Committee examines an African American woman from Georgia, Mary Elder, who is about 33 years old. Elder speaks to the Committee about KKK violence.*

**Question.** What was your object in coming here [to testify to the Committee]?

**Answer.** Because I had been Ku-Kluxed. They came to my house on Saturday, [two days ago]. We had heard of the Ku-Klux, but it was a good while ago. They broke down the door. As [my husband] jumped up, they slung him back against the fireplace. They had some sticks with notches in the end of them, and they beat him over the head. He hollered for





some time, and they said if he hollered, they would blow his brains out. I hollered for some time, and they slapped me over the head, and told me they would blow my brains out.... They took me into the woods, where they had horses all dressed off in white clothes. They told [my husband] to pull his clothes off. And he stepped back as though he was going to pull his coat off, and then ran. They shot at him three times, and then tried to find him. They said to me, "Where is he?" I said, "I don't know; you had him last." They said, "[Y]ou can run back into the house." ...They said they would have us in hell before next night.... They were all disguised.

**Question.** Did you know any of them?

**Answer.** I know Jourdan Elder, Bill Marshall, John Marshall, Henry Anderson, and Louis Anderson. Those are all I knew.

### Excerpt 3

*In this testimony on October 17, 1871, the Joint Standing Committee examines a Black man, James H. Alston of Alabama. Alston tells the Committee that he was shot by a band of men because he was a Republican.*

**Question.** Where do you live?

**Answer.** I have been living here [Montgomery, Alabama] about sixteen months, but my place of residence is Tuskegee. I have been forced to live here for sixteen months...I was representative [of the Union League of America in Macon County, Alabama], and I was caused to run away from there. I had to leave there to keep from being shot, and to keep my wife from being shot.

**Question.** Go on and tell the committee all the particulars of your beings shot...State what violence was offered to you, and under what circumstances, stating all the particulars.

**Answer.** I have been shot. I have now in me buck and ball that injures me a good deal, and I think it will be for life; and my wife has been injured a good deal....

**Question.** Who did it?

**Answer.** Well, sir, it was done by a band of men, who were against my politics, as a Republican...

**Question.** How many shots were fired?

**Answer.** Two hundred and sixty-five shots were counted outside in the weatherboarding of my house the next day, and sixty, as near as we could count, passed through the window, and five through the head-board of the bed I was sitting on, and two through the pillow that my head would have laid on, and four in the foot-roll of my bed, and two in my body.

**Question.** Was your wife hit?

**Answer.** Yes, sir, and one of my children. She was hit in her right heel, and it is lying in her foot now.

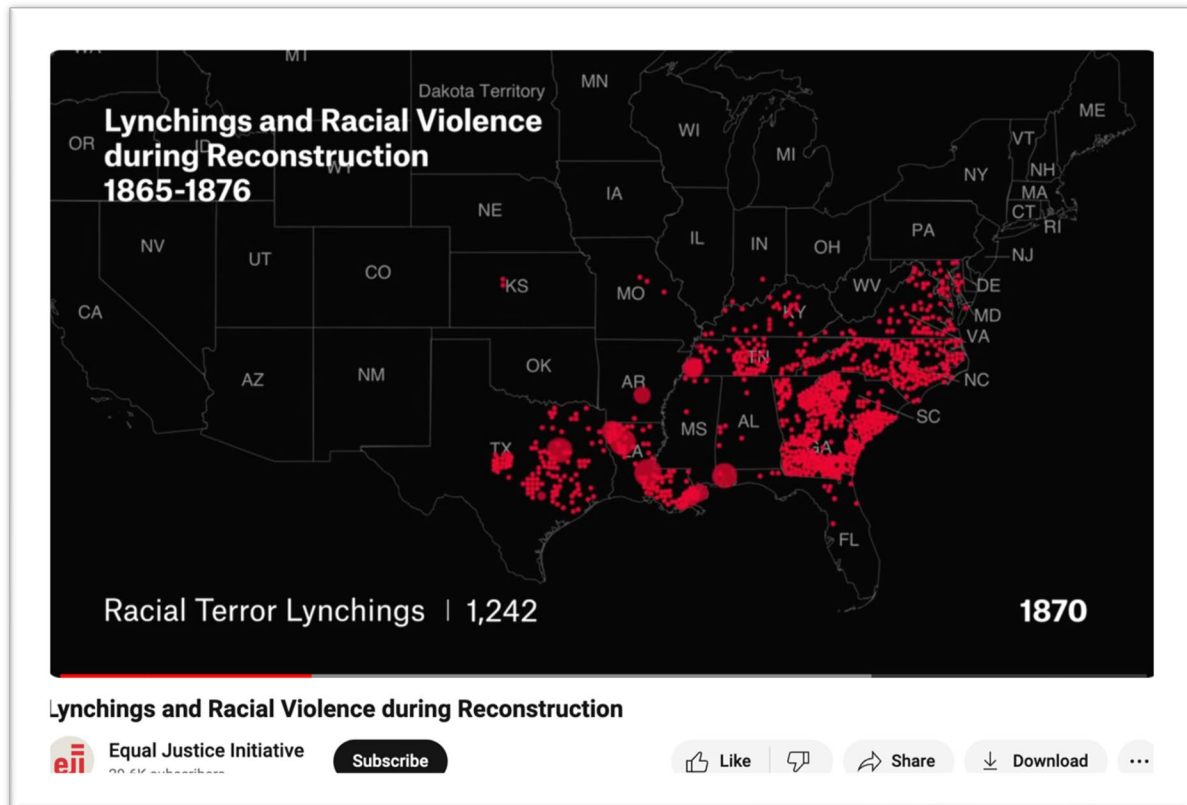


**Source 2D****Lynchings and Racial Violence during Reconstruction 1865-1876**

Equal Justice Initiative. (2020, June 16). *Lynchings and Racial Violence during Reconstruction*. YouTube.

[https://www.youtube.com/watch?v=GU\\_9x3upz90](https://www.youtube.com/watch?v=GU_9x3upz90)

*Note to the teacher: As you show the video, highlight for students the fact that prior to 1872 the number of lynchings increases at a frightening rate. After 1872, once the Force Acts have been passed and the Congressional investigation is complete, the increase in lynchings is less dramatic.*



**A. Excerpt of Enforcement Act of 1870**

If any person, by force, bribery, threats, intimidation, or other unlawful means, shall hinder, delay, prevent, or obstruct someone from voting such person shall pay the sum of five hundred dollars to the person aggrieved or be imprisoned not less than one month and not more than one year, or both, at the discretion of the court.



**B. Excerpt of Enforcement Act of 1870**

If two or more persons shall band or conspire together ... to injure, oppress, threaten, or intimidate any citizen such persons shall be held guilty of felony, the fine not to exceed five thousand dollars, and the imprisonment not to exceed ten years.



**C. Excerpt of Enforcement Act of 1870**

It shall be lawful for the President of the United States to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to aid in the execution of judicial process (*the functions of the court and legal process*) issued under this act.



**D. Excerpt of Second Force Act of February 1871**

Whenever in any city or town having upward of twenty thousand inhabitants, there shall be two citizens who shall make known, in writing, to the judge of the circuit court their desire to have voter registration, or an election, or both, guarded and scrutinized, it shall be the duty of the judge of the circuit court, to appoint and commission two citizens, residents of the city or town, who shall be of different political parties, and able to read and write the English language, and who shall be known and designated as supervisors of the election.



**E. Excerpt of Second Force Act of February 1871**

If two or more persons shall conspire together to overthrow, or to put down, or to destroy by force the government of the United States, or to oppose by force the authority of the government, or by force, intimidation, or threat to prevent, hinder, or delay the execution of any law of the United States, or by force seize, take, or possess any property of the United States or by force, intimidation, or threat to prevent any person from accepting or holding any office under the United States, or shall conspire together, or go in disguise upon the public highway or upon the premises of another for the purpose of depriving any person or any class of persons of the equal protection of the laws, each and every person so offending shall be deemed guilty of a high crime, punished by a fine not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, as the court may determine, for a period of not less than six months nor more than six years, as the court may determine, or by both such time and imprisonment as the court shall determine.



**Source 3B**

Force Acts of 1870 and 1871 (adapted excerpts)

Sage, J. (2007, December 4). The Force Acts of 1870-1871. Force Acts of 1870 & 1871, excerpts.

<https://web.archive.org/web/20071204153904/http://www.sagehistory.net/reconstruction/docs/ForceActsEx.htm>

Ku Klux Klan act of 1871, "an Act to enforce the provisions of the Fourteenth Amendment to the constitution of the United States, and for other purposes." National Constitution Center – constitutioncenter.org. (1871, April 20). <https://constitutioncenter.org/the-constitution/historic-document-library/detail/ku-klux-klan-act-of-1871-april-20-1871-an-act-to-enforce-the-provisions-of-the-fourteenth-amendment-to-the-constitution-of-the-united-states-and-for-other-purposes>

**F. Excerpt of Second Force Act of February 1871**

If the authorities of a State shall either be unable to protect, or shall, from any cause, fail in protection of the people in such rights, it shall be the duty of the President, to take such measures, by the employment of the military or by other means, as he may deem necessary to enforce this Act.



**G. Excerpt of Third Force Act of April 1871**

That any person who, shall deprive anyone under the protection of the United States of any rights, privileges, or immunities secured by the Constitution of the United States, shall be liable (*legally responsible*) to the party injured.



**H. Excerpt of Third Force Act of April 1871**

That if two or more persons within any State or Territory of the United States conspire together to prevent any citizen of the United States lawfully entitled to vote from giving his support towards or in favor of any qualified person as an elector of President or Vice-President of the United States, or as a member of the Congress of the United States, or to injure any citizen on account of such support, each and every person so offending shall be deemed guilty of a high crime.



**I. Excerpt of Third Force Act of April 1871**

That in all cases where insurrection, domestic violence, unlawful combinations, or conspiracies in any State shall obstruct or hinder the execution of the laws of the United States and the authorities of the State shall either be unable to or fail to or refuse to protect citizen's rights, such facts shall be deemed a denial by the State of the equal protection of the laws and in all such case it shall be the duty of the President to take such measures, by the employment of the military or by other means, as he may deem necessary for the suppressions of such insurrection, domestic violence, or combinations.



**J. Excerpt of Third Force Act of April 1871**

That any person or persons, having knowledge that any of the wrongs conspired to be done [in section I] are about to be committed, and having power to prevent or aid in preventing the same, shall neglect or refuse to do so, and such wrongful act shall be committed, such person or persons shall be liable to the person injured...for all damages caused by any such wrongful act which such first-named person or persons by reasonable diligence, could have prevented



**Source 3B**

Force Acts of 1870 and 1871 (adapted excerpts)

Sage, J. (2007, December 4). The Force Acts of 1870-1871. Force Acts of 1870 & 1871, excerpts.

<https://web.archive.org/web/20071204153904/http://www.sagehistory.net/reconstruction/docs/ForceActsEx.htm>

Ku Klux Klan act of 1871, "an Act to enforce the provisions of the Fourteenth Amendment to the constitution of the United States, and for other purposes." National Constitution Center – constitutioncenter.org. (1871, April 20). <https://constitutioncenter.org/the-constitution/historic-document-library/detail/ku-klux-klan-act-of-1871-april-20-1871-an-act-to-enforce-the-provisions-of-the-fourteenth-amendment-to-the-constitution-of-the-united-states-and-for-other-purposes>

Head, Tom. (2021, July 29). Timeline History of the Ku Klux Klan. Retrieved from <https://www.thoughtco.com/the-ku-klux-klan-history-721444>

**1866** The Ku Klux Klan is founded.

**1867** The Klan murders several thousand people in the former Confederate states in an effort to suppress the political participation of Black Southerners and their allies.

**1868** The Ku Klux Klan publishes its "Organization and Principles" (excerpts below):

- Are you opposed to **Negro** equality both social and political?
- Are you in favor of a white man's government in this country?
- Are you in favor of maintaining the constitutional rights of the South?
- Are you in favor of the **re-enfranchisement** and **emancipation** of the white men of the South, and the **restitution** of the Southern people to all their rights, alike **proprietary**, civil, and political?
- Do you believe in the **inalienable** right of self-preservation of the people against the exercise of arbitrary and unlicensed power?

The "inalienable right to self-preservation" is a reference to the Klan's violent activities—and its emphasis, even at this early stage, is clearly white supremacy.

**1871** Congress passes the Klan Act, allowing the federal government to arrest Klan members on a large scale. Over the next several years, the Klan largely disappears.

**1905** Thomas Dixon Jr. adapts his second Ku Klux Klan novel, "The Clansman," into a play.

**1915** D.W. Griffith's wildly popular film, "Birth of a Nation," an adaptation of Dixon's "The Clansman," revives national interest in the Klan. A KKK lynch mob in Georgia -- led by William J. Simmons and including prominent (but anonymous) members of the community, such as former Georgia Gov. Joe Brown—murders Jewish factory superintendent Leo Frank, then burns a cross on a hilltop and dubs itself the Knights of the Ku Klux Klan. KKK chapters spread nationwide.

**negro:** formerly enslaved black Americans

**re-enfranchisement:** restoring the right to vote (it should be noted: that right was never taken away)

**emancipation:** freedom from slavery

**restitution:** the restoration of something lost or stolen to its proper owner

**proprietary:** private property





**Source 3D**

Excerpt of NPR interview between Terry Gross and historian Eric Foner, 2006

Terry Gross & Eric Foner. (2006, January 9). Historian Eric Foner on the "Unresolved Legacy of Reconstruction" [Interview]. <https://www.npr.org/transcripts/870459750>

*Audio can be found at the citation link. Play from 22:57-26:27 (3:30 minutes total) to hear the conversation below.*

**GROSS:** Yeah, how does the Ku Klux Klan come into being, and how does that relate to this period?

**FONER:** Well, the Klan begins in early Reconstruction - 1866-67. It spreads throughout the South pretty quickly. This is another reason why Reconstruction is important for us to think about because, you know, to use a modern term which didn't really exist at that time, the Klan is the most striking example of home-grown American terrorism. This is our terrorist history - not from abroad, not Islamic fundamentalist. These were good Christian people, at least in their own self-image. But they murdered, they rode at night, they beat people, they whipped them, they destroyed property, they attacked innocent civilians. And their purpose was to deprive African Americans of their rights, both the right to vote, the right to access to land, the right to education. And they were very effective, unfortunately. These local governments were not able to put down this kind of violence.

On occasion, the federal government did intervene. President Grant in 1871 sent troops into the South and really dealt the Klan a very strong blow. But then later in the 1870s, violence again rears its head, and the federal government by then is not so willing to intervene. So unfortunately, the Klan is an example of how legitimate governments can actually be overthrown by violent, you know, opposition even in American history. We often don't think of that happening in our own country, but it did happen during Reconstruction.

**GROSS:** Well, what are some of the laws that Southern states passed to limit and take away some of the rights that Reconstruction legislation had given African Americans?

**FONER:** Well, by the 1890s, most Southern states are passing laws - well, first of all, disenfranchisement laws. That is laws to eliminate black voting. Now, you couldn't just say only whites can vote because the 15th Amendment to the Constitution had been passed during Reconstruction which said states can't discriminate on the basis of race in voting. So these laws were supposedly non-racial. So they'd say you had to pay a poll tax to vote. That applies to white and black, but a lot of whites were excused from it. You had to have a - be literate. You had to be able to understand the state constitution to the satisfaction of the registrar. Now, a black PhD could walk up, and they'd ask him a question. They'd say, well, you don't understand the state constitution, so you can't vote. So these laws, basically by 1900 more or less, eliminated black voting in most of the South.

Then you had the segregation laws. And, of course, the Supreme Court in 1896 in Plessy vs. Ferguson upheld segregation as compatible with the 14th Amendment. The 14th Amendment says all citizens must get equal treatment. The court said, well, you know, if it's separate but equal, that's OK because then it's equal. But, of course, the facilities, whether it's the schools or the public hospitals or the trains or the whatever facilities were set up as segregated, were never equal. All the public money was funneled into the white institutions. Black education and other facilities were just, you know, very much neglected by the state government. So that was another way of taking away - of rescinding this idea of equality.

