Congress passed this Civil Rights Act in response to the black codes enacted by some Southern states, which severely restricted the rights of the newly freed slaves. President Andrew Johnson vetoed the act, but Congress overrode his veto. It was the first time a major piece of legislation was passed into law without presidential approval.

**THINK THROUGH HISTORY**: Analyzing Causes, Recognizing Effects
What are the provisions in the Civil Rights Act of 1866 for enforcing its requirements? What are the implications of such enforcement measures?

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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 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... 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... shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured... 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. 6. And be it further enacted, That any person who shall knowingly and wilfully obstruct, hinder, or prevent any officer... from arresting any person... 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... shall... be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, by indictment and conviction before the district court of the United States....

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... to direct the judge, marshal, and district attorney of such district to attend at such place... for the purpose of the more speedy arrest and trial of persons charged with a violation of this act....

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.

THINK THROUGH HISTORY: ANSWER
Students may answer that the Civil Rights Act of 1866 provides a few methods for enforcing its requirements. Anyone who deprives a person of his or her civil rights as defined by the act is deemed guilty of a misdemeanor, punishable by a fine and/or imprisonment. In addition, anyone who attempts to prevent the arrest of someone who has violated the act’s terms is also punishable by a fine and/or imprisonment. The act also stipulates that the president can direct the resources of the government to enforce these provisions and punish those who violate them. Some students may note that the enforcement provisions that do not involve the president and the federal government rely upon local law enforcement in the South and are thus less likely to be carried out. Others may feel that the enforcement provisions involving the president and the federal government are also difficult to carry out over the long term, since they require close federal oversight of the Southern states.