The 1868 Constitution [1]

In 1865, under orders from the President, North Carolina'sprovisional [2] governor, William W. Holden, called a convention to write a new constitution for the state. The convention first nullified (canceled out) secession [3] and abolished [4] slavery -- two requirements for re-entry into the Union. The constitution it produced, though, was mostly a restatement of the 1776 constitution [5] and the 1835 amendments [6], and it was rejected in a popular vote. Conservatives refused to concede anything to federal demands, but the proposed constitution was too conservative to satisfy liberals.

Two years later, a second convention was called, as demanded by Congress under military reconstruction. Many whites, disgusted with Reconstruction, did not bother to vote. As a result, this convention, unlike the first, was led by Republicans, who included black delegates and a few "carpetbaggers [7]" -- northerners who had moved south to help with Reconstruction. The constitution was adopted by popular vote in April 1868 by a vote of 93,086 to 74,016 even though it was strongly opposed by conservatives.

The 1868 constitution gave more power to the people and to the governor. The governor was now elected for a four-year term, rather than for two years, and his authority was increased. State and county officials were to be elected by popular vote, and all men, regardless of race or property qualifications, were eligible to vote and to hold office. Representation in the state senate would now be divided by population, not by wealth. The number of capital crimes [8] was reduced to four -- murder, arson, burglary, and rape. The constitution also called for free public schools for North Carolinians between the ages of six and twenty-one, as well as for state prisons and charitable institutions.

Conservatives hated the new constitution, not only because itenfranchised [9] black people but because it reduced the power of wealthy landowners and increased the political role of poor whites. Most black and poorer white people were illiterate, and conservatives protested that, as a result, their votes could be easily bought.

When Conservatives regained control of the state in the 1870s, the General Assembly called another convention. This 1875 convention passed thirty amendments that restored much of the General Assembly's former power. They also required segregation in schools and prohibited marriages between white and black people.

Despite these amendments, the constitution of 1868 remained the basic structure of government in North Carolina until 1971, and much of the language of that document remains in the state constitution today.

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