Radical Reconstruction (1867-77) featured numerous serious constitutional problems, many of which reflected Parliament's violation of American colonial rights before 1776.

- **Taxation without representation**
  From 1867 to 1871, under the Reconstruction Acts, an "iron-clad oath" disfranchised Southerners who had voluntarily aided the Confederacy. Meanwhile huge tax increases and soaring state debts far exceeded real value received. The personal impact of political corruption on individual Southerners was greater than that of the Tweed and Grant scandals on Northerners. New state social spending—plus costs of post-war rebuilding—tripled and quadrupled Southern state tax rates in 1870 compared to 1860, though the property-tax base had shrunken. In one instance, 15% of Mississippi landowners could not pay these taxes and lost their land.

- **Unfree elections/resistance on Republican form of government**
  Until 1872, the 14th Amendment barred ex-Confederates from state or federal office if, before supporting the Confederacy, they had sworn to uphold the U.S. Constitution, depriving the South of its natural leaders.

- **Standing army in peacetime without consent**
  Under Radical Reconstruction, after the President formally declared the rebellion over and with ex-Confederate states unrepresented in Congress, the Army occupied the South.

- **Juryless trial**
  Peace-time military tribunals in the South during Radical Reconstruction lacked juries.

- **No separation of powers**
  Through their issuance of general orders, commanding generals in the five military districts under Radical Reconstruction combined executive, legislative, and judicial functions.

- **Bills of attainder/no due process before property seizure/no presumption of innocence**
  The policy of "40 acres and a mule," where freedmen received land previously owned by Southern whites, unconstitutionally punished the previous landowner without a trial.

- **Extra-constitutional amending process**
  Ex-Confederate states had to ratify the 14th Amendment as if they were in the Union, but were unrepresented in the Congress that proposed it, as if they were not in the Union.

- **Anti-Jeffersonian/Jacksonian, pro-Hamiltonian/Whig economic motives for amendments**
  Before 1861, due to Jeffersonian/Jacksonian opposition, Hamiltonians/Whigs could never permanently enact their economic program (i.e., protective tariffs, national banking, federal aid to internal improvements). But without Confederate states in Congress during the Civil War, Republicans—political heirs to Hamiltonians/Whigs—did enact that program. The 15th Amendment, however, repealed the 3/5s Compromise, so after Appomattox, Republicans faced a resurgent South in Congress with 12 more Southern members in the House of Representatives, where each black male would now count as 5/5s instead of 3/5s. Republicans were thus open to experiment on how to protect their national economic ascendance. The 14th Amendment (1868) therefore assured Republican dominance in Congress, not black suffrage in the South. It said the South could either enfranchise freedmen, introducing black Republican members into the U.S. House of Representatives, or it could disfranchise freedmen and lose some proportional white Democratic representation there. The 15th Amendment (1870) forbade black male disfranchisement after Grant won the presidency in 1868 due to the freedman's vote in the South. Southern states disfranchised the freedman and called bluff, which neither reduced white Southern representation in the U.S. House under the 14th Amendment, nor enforced the 15th Amendment, because it found it could preserve protective tariffs, national banking, and federal aid to internal improvements without either Southern freedman representation or reduction of white Southern Democratic representation in the U.S. House, while ending the chronic violence over Radical Reconstruction.