

silent, Howard urged them to "lay aside their bitter feelings, and to become reconciled to their old masters." Shouts from the audience continually interrupted him: "No, never." "Can't do it." "Why, General Howard, do you take away our lands?"

Howard requested that the former slaves appoint a three-man "committee in behalf of the people" to recommend ways of easing the transition when the planters returned to reclaim their property. Instead, the committee—Henry Bram, Ishmael Moultrie, and Yates Sampson—drew up petitions of protest to Howard and President Andrew Johnson. (Only for Bram does biographical information exist: evidently freeborn, he had worked in both Charleston and Boston before the Civil War, and in 1865 was farming on Edisto.) "General," began the first petition, "we want Homesteads, we were promised Homesteads by the government. If it does not carry out the promises its agents made to us . . . we are left in a more unpleasant condition than our former. . . . You will see this is not the condition of really free men." How could the government, they asked, so quickly befriend its enemies in "the war you said was over?"

To the former slaves, the war with their former masters over access to the economic resources of the South had hardly ended. The second petition reminded President Johnson that secession had been "born and nurtured" in South Carolina, and that the state's black population "have always been



Freedpeople plant sweet potatoes on Edisto Island, South Carolina, in 1862.

CHAPTER THREE

THE MEANINGS OF FREEDOM

IN OCTOBER 1865, General O. O. Howard, head of the Freedmen's Bureau, embarked on one of the most painful journeys of his life. Howard had lost an arm at the Civil War battle of Fair Oaks, Virginia, in 1862, and was known as "the Christian general" because of his close ties to northern philanthropic societies that dispatched aid to the freedmen during the war. He took command of the bureau in March 1865 deeply committed to using the agency to protect freedpeople from violence, accord them equality before the law, and establish schools for them in the South. Assuming that most former slaves would end up working for fair wages on land owned by whites, Howard did not envision a massive redistribution of land in the South. But he hoped that land that came into the bureau's possession could be distributed to black families, and that those who had been settled on land under General Sherman's Field Order 15 would retain ownership.

During the summer of 1865, however, as part of his plan of Reconstruction, President Andrew Johnson ordered nearly all the plantation lands restored to their former owners. To Howard fell the task of informing the freedpeople that they must either sign labor contracts to work for planters, or be evicted. He brought this message to South Carolina in October, where, on Edisto Island, one of the most poignant encounters of the entire Reconstruction era took place. Here, according to a Freedmen's Bureau agent, former slaves in the summer of 1865 had not only taken possession of "Sherman land," but had established their own "simple" government, complete with "selectmen and constables elected by the people." Some two thousand blacks gathered in a local church to be addressed by Howard. News of his message had preceded him, and "dissatisfaction and sorrow were manifested from every part of the assembly." Finally, as Howard later recalled, he quieted the crowd by encouraging a "sweet-voiced negro woman" to sing spirituals: "Nobody Knows the Trouble I Seen" and "Wandering in the Wilderness of Sorrow and Gloom." When the assembly fell

true to this Union." "Are not our rights as a free people and good citizens of these United States," they asked, "to be considered before those who were found in rebellion against this good and just government? . . . We look to you . . . for protection and equal rights with the privilege of purchasing a homestead—a homestead right here in the heart of South Carolina." Bram, Moultrie, and Sampson then departed to nearby islands to help coordinate black responses to the restoration of land to the planters. A few weeks later, they left Edisto Island again, this time as delegates to the statewide "Colored People's Convention," which met in Charleston.

The encounter on Edisto Island took place at an extraordinary moment in American history. In 1865, nearly four million men, women, and children, liberated from bondage, stepped onto the stage of American freedom. Despite the disappointments that followed, this generation of black Americans would always regard the moment when slavery ended as the turning point in their lives. Houston H. Holloway, age twenty in 1865, later recalled the day slaves in his section of Georgia learned they were free: "I felt like a bird out of a cage. Amen. Amen. Amen. I could hardly ask to feel any better than I did that day. . . ." Six weeks later, Holloway and his wife "received my free born son into the world." But the kind of freedom that Holloway and millions of



Andrew Johnson's stern demeanor was grist for contemporary cartoonists such as Thomas Nast.

other African Americans were to enjoy would be determined by a complex set of conflicts involving the former slaves, white southerners, and the victorious North. Each had its own understanding of the meaning of freedom.

Andrew Johnson, the man who would have to respond to the Edisto petitions, was, one contemporary remarked, "the queerest character that ever occupied the White House." The man with the most humble origins of any American president (as a youth he was employed for a time as a tailor's apprentice), Johnson rose to prominence in the politics of prewar Tennessee. In 1861, he became the only United States senator from a seceding state to affirm his devotion to the Union, and thus remained in his seat in Washington. During the war, Lincoln appointed Johnson military governor of

Tennessee, and in 1864 he was nominated as vice president, to symbolize the Republican Party's intention of extending its influence into the South once the war had ended.

In prewar politics, Johnson proclaimed himself a tribune of the common man. Representing East Tennessee, where few farmers owned slaves, he spoke for the aspirations of "honest yeomen" and condemned the state's "slavocracy" as a "pampered, bloated, corrupted aristocracy" that oppressed poorer whites. Johnson, however, displayed no sympathy for the slaves. As a loyal member of the Lincoln administration, he embraced emancipation during the war and at one point even promised to be a "Moses" who would lead Tennessee's blacks to freedom. Nonetheless, racism remained deeply ingrained in his views of politics and society. His private secretary, Colonel William G. Moore, recorded in his diary that the president "has at times exhibited a morbid distress and feeling against the negroes." Blacks had no role to play in Johnson's vision of Reconstruction America.

The martyred Lincoln died without having established a coherent plan for Reconstruction. In his last speech, he had, for the first time in his life, as we have seen, publicly supported limited black suffrage in the South. This was not a position Johnson could embrace, because of his views on both race and government. Although a staunch Unionist, Johnson was also a firm defender of states' rights, and he denied that the federal government possessed the power to dictate voting requirements or other local political and social arrangements. The southern states, he insisted, had never, legally speaking, left the Union or surrendered the right to govern their own affairs. Individual traitors could be punished (and on assuming the presidency, Johnson spoke of punishing some of them severely), but in his view the problem of Reconstruction boiled down to placing the southern states under the control of loyal whites and bringing them back to their full standing in the Union as quickly as possible.

The era known to historians as Presidential Reconstruction (1865–1867) began less than two months after Lincoln's assassination. At the end of May 1865, Johnson announced his plan for Reconstruction. He offered a pardon, including restoration of property rights except for slaves, to all southern whites except Confederate leaders and wealthy planters (and most of these subsequently received individual pardons); appointed provisional governors for the ex-Confederate states; and outlined steps whereby new state governments would be created. Apart from requirements that they abolish slavery, repudiate secession, and abrogate the Confederate debt—all inescapable consequences of the South's defeat—these governments were granted a free hand in managing their affairs. Johnson appears

to have assumed that ordinary white yeomen would replace in office the planters who had led the South into secession. When southern electorates disappointed his expectations by returning members of the old elite to power, Johnson did not alter his Reconstruction program. Instead, he increasingly allied himself with the South's leadership against northern Republicans. During the summer of 1865, before Howard's reluctant mission to the Sea Islands, Johnson had ordered nearly all the land in the hands of the army and the Freedmen's Bureau returned to its prewar owners, an action that solidified his support among the South's planter class.

It is not surprising, therefore, that Johnson rejected the plea of the former slaves of Edisto Island. In the waning days of 1865 and early 1866, as a result of his policy, thousands of freedpeople were displaced from land on which they had settled. Even Davis Bend, Mississippi, reverted to Joseph Davis, brother of the Confederate president. Unlike most planters, however, Davis then sold the land on long-term credit to Benjamin Montgomery, the most prominent leader of the Bend's black community, and directed his own heirs to be as generous as possible if Montgomery could not meet his payments. After his brother's death, Jefferson Davis launched a long legal battle to regain possession of the land. The Montgomery family and Joseph Davis's children fought Jefferson Davis every inch of the way. But after the end of Reconstruction and the restoration of white supremacy in Mississippi, the former Confederate president succeeded, and Montgomery was evicted, a sad end to General Grant's hope of establishing a "Negro paradise" at Davis Bend.

In a few locales, freedmen forcibly resisted eviction, until ousted by the army. In February 1866, when soldiers and Freedmen's Bureau agents arrived on Edisto Island to oversee the transfer of land ownership, freedmen wielding shovels and picks drove them away. The troops soon returned, however, and forced the former slaves to surrender their short-lived possession of the land. On the Delta plantation on the Savannah River, armed blacks initially refused to sign contracts to work as wage laborers, leave the premises, or exchange their "Sherman land" for government tracts elsewhere, as military officials proposed. "We have but one master now," they proclaimed, "Jesus Christ." Adele Allston, the widow of a prominent South Carolina planter, found the "angry, sullen" demeanor of the freedmen on another plantation a striking contrast to "the pleasant smile and courtesy or bow to which we were accustomed." At first, the freedmen refused to give her the keys to the rice and corn barns and insisted that they would allow "no white man" on the premises.

In the end, only a small number of former slaves managed to retain their land. As a result, the vast majority of rural freedpeople remained poor

during Reconstruction, and for many years thereafter. In 1870, approximately thirty thousand black southerners owned some land (generally small plots), but more than four million did not. A one confrontation over land, on Jehossee Island, South Carolina, in early 1866, several freedmen told an army officer "that they knew Congress was in session and would provide for them." The government's failure to do so produced bitter disappointment and an enduring sense of betrayal. The slaves, an elderly Mississippi freedman recalled in the 1930s, "expected a heap from freedom they didn't get. . . . They promised us a mule and forty acres of land." "Yes, sir," said a Tennessee former slave, "they should have given us part of Maser's land as our poor old slaves we made what our Masers had."

The events of 1865 underscored a series of historical interconnections indispensable for understanding the social and political history of Reconstruction and, indeed, of the decades that followed. These momentous events showed how the Civil War bequeathed to the postwar world a series of explosive issues revolving around the rights of American citizens and fair access to economic resources, and how the twists and turns in national politics profoundly affected the lives of the former slaves. They also suggested how events in localities across the South interacted with and affected the decisions of policymakers in Washington. Most dramatically, they raised the central question of Reconstruction: What was the meaning of freedom, or, to put it another way, what rights and status would African Americans enjoy in postwar American society? On this question, former slaves and former slaveowners found themselves irreconcilably at odds.

Many white southerners viewed slaves as utterly unprepared for freedom. "The Negroes are to be pitied," one wrote. "They do not understand the liberty which has been conferred upon them." In fact, former slaves emerged from bondage with distinct ideas about the meaning of freedom. Some reflected aspirations widely shared in American society—self-reliance, family stability, religious liberty, economic opportunity, political participation. But for the freedpeople, these elements coalesced into a vision very much their own. Freedom meant something quite different to men and women who had long enjoyed its blessings than to those to whom it had always been denied. For white Americans, freedom was a given, a birthright to be defended. For African Americans, it was an open-ended process, a multifaceted concept that suggested a transformation of every aspect of their lives. Although the freedpeople failed to achieve full freedom as they understood it, their ongoing struggles to define the meaning of freedom did much to shape the nation's political and social agenda during Reconstruction.

"The idea of liberty," the French historian Marc Bloch once wrote, "is

one which each epoch reshapes to its own liking." With the Union's triumph, freedom for the first time truly defined the nation's existence. But rather than a predetermined, clear concept, freedom during Reconstruction became a terrain of conflict, subject to multiple and competing interpretations. The legal abolition of slavery posed the definition of freedom as a concrete matter of national policy, rather than simply a philosophical problem or matter of political theory. "What is freedom?" asked Congressman James A. Garfield in 1865. "Is it the bare privilege of not being chained? If this is all, then freedom is a bitter mockery, a cruel delusion." Was freedom an individual or collective attribute? Did freedom mean simply the absence of slavery, or did it imply other rights for the emancipated slaves, and if so which ones: civil equality; suffrage; ownership of property? If freedom were to become a substantive reality, what changes were necessary in a society that had previously sanctioned slavery? Former slaves had their own answers to these questions, but their efforts to breathe meaning into their newfound freedom confronted efforts by other Americans to define freedom in very different ways.

For blacks, freedom grew out of slavery. The collective values and institutions they had nurtured in bondage now became fully visible in freedom, even as the new situation created by emancipation led to dramatic changes in the freedpeople's hopes and expectations. Both former slaves and free people of color moved to repudiate the behavior that had been expected of them before the Civil War. Black Americans in 1865 relished their ability to flaunt the innumerable regulations associated with slavery. In some cases, this meant doing what had been forbidden under slavery, in others, it meant openly practicing what had previously been forbidden and enjoyed only in secret.

Many affirmed their newly acquired freedom by physical movement, separating themselves from their former owners, if only by a few miles. "If I stay here," one freedwoman told her ex-owner, "I'll never know I am free." Thousands of blacks converged on southern towns and cities, where "freedom seemed free-er." Schools, churches, fraternal societies, offices of the Freedman's Bureau, and federal army outposts were built in cities. Between 1860 and 1870 the black population of cities such as Richmond, Virginia; Charlotte, North Carolina; Vicksburg, Mississippi; and Little Rock, Arkansas, more than doubled. Former slaves held mass meetings without the presence of whites, traveled without passes, purchased liquor and guns, and, in the case of many black women, dressed in colorful finery prohibited to them while in bondage. In Charleston, according to a disgruntled white observer, black women promenaded on King Street "arrayed in silks and satins of all the colors of the rainbow," while black schoolchildren sang

"John Brown's Body" within earshot of the tomb of John C. Calhoun, the greatest theorist of southern rights before the Civil War.

Some former slaves jettisoned the surnames of their masters and took new ones that expressed delight in freedom, pride in skill, or respect for an admired leader—names such as Deliverance, Freeman, Carpenter, Washington, and Lincoln. Many refused any longer to act in a servile manner, and insisted on being addressed as "Mister" or "Missus" instead of "boy" and "auntie." One white resident of Helena, Arkansas, was astonished in 1865 when he greeted a black man, "Howdy, uncle," only to have the former slave reply with a curse and the explanation that he did not permit non-relatives to claim him as a member of their families. Everyday encounters between the races suddenly became fraught with added meaning—in a word, politicized. Violence flared over seemingly trivial incidents. A black man failing to tip his hat to a white, telling his child not to obey the orders of a former owner, or refusing to leave the sidewalk to allow white passersby to proceed could easily find himself the victim of an assault or shooting.

Underpinning such aspirations was a broader theme—a desire for independence from white control, for autonomy as individuals and as newly created communities, themselves being transformed by the process of emancipation. Central to these aims was the quest to reunite relatives separated by slavery and to consolidate long-existing family relationships. When the Union army and Freedmen's Bureau offered blacks the opportunity to legalize their marriage bonds, they responded with alacrity. "Weddings, just now, are very popular and abundant among the colored people," wrote an army chaplain as the Civil War drew to a close. "I have married during the month twenty-five couples, mostly those who have families, and have been living together for years." Once the war ended, the number of those who solemnized their unions and received marriage certificates expanded enormously. "Let the marriage bonds be dissolved throughout the state of New York today," commented one observer in 1865, "and it may be doubted if as large a proportion of her white citizens would choose



"The negro migrate to Louisiana and Texas in search of paying labor."

African Americans exercised their new freedom in many ways; one way was traveling where and when they chose.

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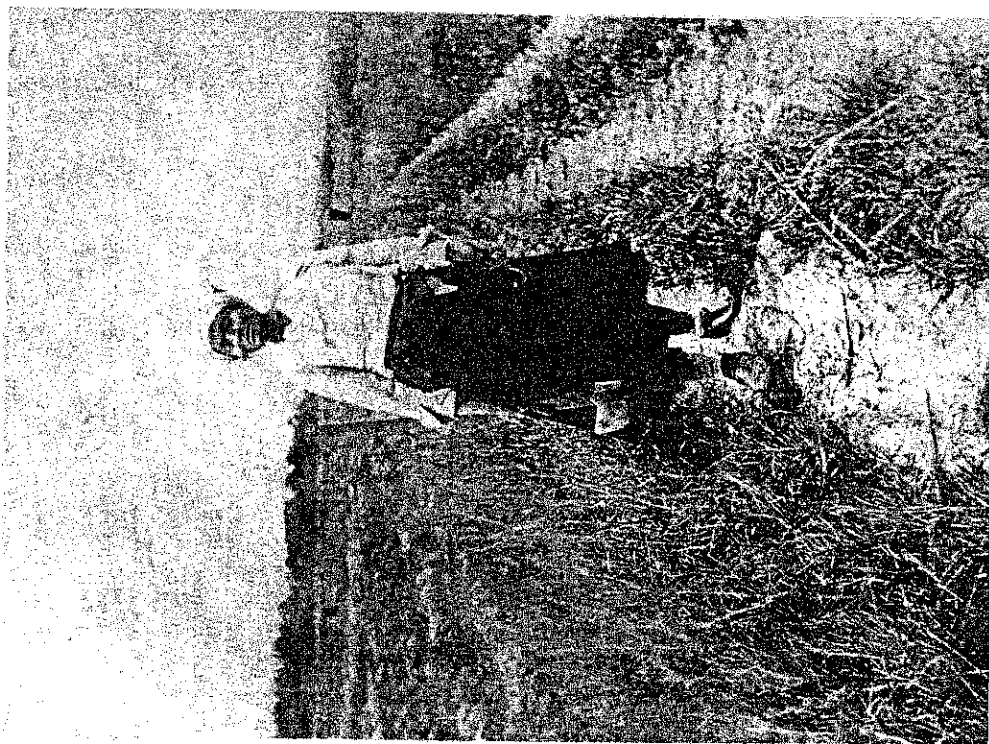
again their old partners." Meanwhile, widows of black soldiers successfully claimed survivors' pensions, forcing the federal government to acknowledge the validity of prewar relationships that slavery had attempted to deny. But the process of family consolidation involved far more than gaining legal recognition for preexisting unions. Many families, divided under slavery because their members belonged to different owners, now lived together. In addition, not a few African Americans adopted the children of deceased relatives and friends. Freedmen's Bureau agents, who assumed they would have to provide for thousands of black orphans, were astonished at how many were absorbed into the black family structure.

Two years after the end of the Civil War, freedman Hawkins Wilson sought the assistance of the Freedmen's Bureau in locating family members he had not seen since being sold away from Virginia twenty-four years earlier. "I am anxious to learn about my sisters," Wilson wrote, "from whom I have been separated many years." He went on to list the names of "my own dearest relatives": his sisters, brothers-in-law, nephews and nieces, and uncles, along with their owners at the time of his sale. He also enclosed a letter to his sister Jane, in the hope that she was "still living," detailing his recent experiences. Since emancipation, Hawkins related, he had learned to read and write, secured a job in a furniture workshop, become a sexton in the Methodist Episcopal Church in Galveston, Texas, and played a leading part in mass meetings at which former slaves demanded the rights of citizenship. He had also married "a very intelligent and lady-like woman." "Thank God," Wilson added, "that now we are not sold and torn away from each other as we used to be."

The historical record does not reveal whether Hawkins Wilson located any of his kinfolk, although the odds are against it. His was one of thousands of such quests during Reconstruction. (One northern reporter encountered a freedman who had walked more than six hundred miles searching for his wife and children, from whom he had been separated by sale.) Some succeeded—such as the mother reunited in a Virginia refugee camp with her eighteen-year-old daughter, who had been sold away while still an infant—but most ended in failure. To the end of the century, black newspapers across the country carried advertisements seeking information about the whereabouts of missing loved ones. A typical one read: "Sam'l Dove wishes to know of the whereabouts of his mother, Areno, his sisters Maria, Nezhah, and Peggy, and his brother Edmond, who were owned by Geo. Dove, of Rockingham county, Shenandoah Valley, Va. Sold in Richmond." Nonetheless, the 1870 census reported that the large majority of African Americans lived in two-parent family households.

But while Reconstruction witnessed the stabilization of family life,

freedom subtly altered relationships within the black family. Emancipation enhanced the power of black men and institutionalized the accepted nineteenth-century notion that men and women should inhabit separate "spheres." The course of Reconstruction itself, in which men but not women received the right to vote and hold office, brought men fully into the public sphere and enhanced male authority in the black community. Meanwhile, whites throughout the South complained of a "labor short-



A woman of the Sea Islands

age" caused primarily by the withdrawal of black children from the labor force in order to attend school, and of black women from the cotton fields and domestic service jobs to devote themselves to their families. Even though the ability to remain at home, outside the paid labor force, was a sign of respectability for their own families, few whites thought this ideal applicable to African Americans. Henry Watson, an Alabama planter, ridiculed freedwomen for their "desire to play the lady" rather than do the agricultural work to which they were suited. A Georgia planter complained that women with employed husbands "are not at work . . . they are as nearly idle as it is possible for them to be, pretending to spin, knit or something that really amounts to nothing."

In fact, many black women continued to do agricultural work as part of the freedpeople's household economy. They labored on garden plots and raised poultry for sale to earn extra cash for their families. Eventually, the dire poverty of the black community would compel a far higher proportion of adult women to work for wages than was the case among whites. In early Reconstruction, however, neither female field laborers nor house servants were as available to work as they had been under slavery. Many men considered it a badge of honor to see their wives remain at home—an attitude reinforced by black ministers, who generally preached a highly patriarchal vision of family life. Many women desired to devote more time to their husbands and children and to domestic responsibilities such as cooking, sewing, and cleaning than had been possible before the war. Both men and women wished, as well, to remove black women from proximity to white men in order to avoid the sexual exploitation so common under slavery. "I would rather stay here and starve and die if it comes to that," a former slave responded to his former owner's request that the family return to the old plantation, "than have my girls brought to shame by the violence and wickedness of their young masters."

Not all black women adopted the patriarchal view of the family common among men of both races. Some objected to their husbands' signing labor contracts for them, as the Freedmen's Bureau required, or holding legal title to their property and wages, as the laws mandated. A remarkable number of married freedwomen established bank accounts in their own names at the Freedman's Savings Bank, an institution established after the war to encourage "thrift" among the former slaves. But whatever the tensions in gender relations spawned by emancipation, the stability of family life was a cardinal element of African Americans' conception of freedom.

The family was only one of the institutions nourished in the slave quarters that emerged into the light of freedom, and was consolidated and changed as a result. As under slavery, the church remained a central institu-

tion of black life after the Civil War. Now, however, hundreds of thousands of blacks withdrew from existing biracial congregations to establish their own churches, preferring to worship among themselves and with ministers of their own race. Throughout the South, former slaves pooled their meager resources to construct church buildings and pay the salaries of black preachers. They challenged whites for ownership of church property that had been funded and constructed by slaves and free blacks but, as required by law, previously controlled by white trustees. When Union soldiers occupied Wilmington, North Carolina, early in 1865, the black members of the Front Street Methodist Church (who comprised two-thirds of the congregants) informed Reverend L. S. Burkhead that "they did not require his services any longer as Pastor . . . he being a rebel." They elected a black minister in his place. General John M. Schofield ordered that the spiritual day be divided between the two rival ministers. Eventually, the black worshippers withdrew and built their own Methodist church.

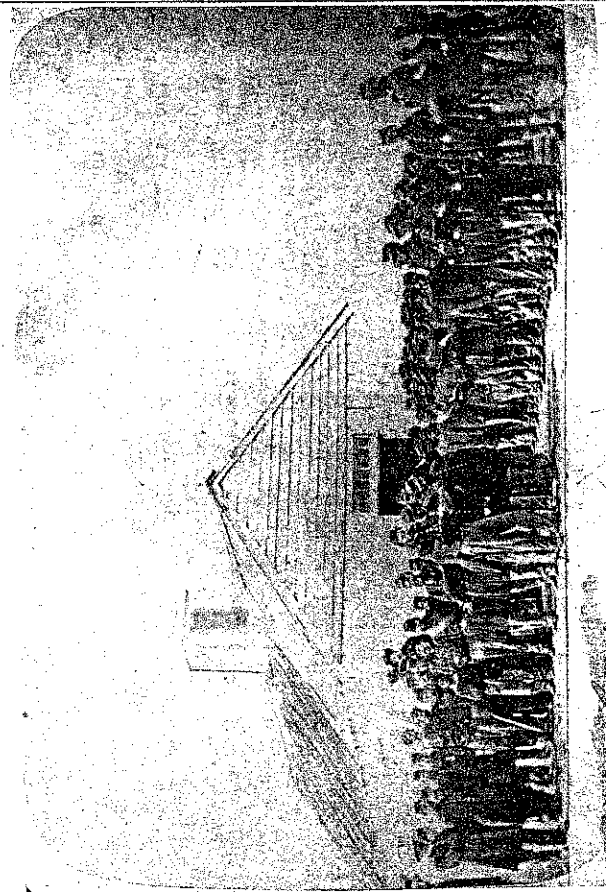
By the end of Reconstruction, the vast majority of black southerners had withdrawn from churches dominated by whites. Baptist churches attracted the largest number of congregants, followed closely by the African Methodist Episcopal Church. The creation of an independent black religious life was an irreversible element of freedom. Black churches were also centers of community life. They housed schools, social events, and political gatherings, adjudicated family disputes, and provided a base for the institutional infrastructure—fraternal orders, mutual aid societies, literary clubs, trade associations—that sprang up during Reconstruction. The first institution completely controlled by African Americans, the church also became a breeding ground for black leadership, and many ministers soon entered politics. At least 240 black ministers, including some who came south as missionaries after the war, held some public office during Reconstruction.

Born free in Virginia and educated in Ohio, Richard H. Cain came to Charleston for the African Methodist Episcopal Church in 1865 and reorganized the Emmanuel Church, which became one of South Carolina's largest black congregations and the base for a political career that brought Cain to the Constitutional Convention of 1868, the state senate, and two terms in Congress. "A man cannot do his whole duty as a minister except he looks out for the political interests of his people," said Charles H. Pearce, who had purchased his freedom in Maryland, come to Florida in 1865 as a religious missionary, and was subsequently elected to the Constitutional Convention and the state senate.

The "gospel of freedom," the providential view of history that had matured under slavery, strongly affected how these minister-politicians

understood the momentous events of the Civil War era. God, said one minister, had "scourged America with war for her injustice to the black man." He had allowed Lincoln, like Moses, to glimpse the promised land of freedom and then removed him before he could reach "its blessed fruitions." James D. Lynch, who came south as a missionary, took part in the Savannah Colloquy with General Sherman, and then rose to prominence in Mississippi politics, declared the cause of the war to be America's "disobedience," via slavery, to its divine mission to "elevate humanity" and spread freedom all over the globe. Even among non-clerics, it was an article of faith that, as a North Carolina speaker put it, "the negroes owed their freedom to the courage of the negro soldiers and to God," and that "the race have a destiny in view similar to the Children of Israel."

Also central to the meaning of freedom was access to education, so long denied to most African Americans. As a Mississippi freedman declared, it was "the next best thing to liberty." The thirst for learning sprang from many sources—the recognition that learning was a form of empowerment, a desire to read the Bible, the need to prepare one's self for the economic marketplace, or simply a general thrust toward uplift and group advancement. As a member of a North Carolina education society established by



Black soldiers from the Port Hudson, Louisiana, "Corps d'Afrique" pose with textbooks in front of their school.

former slaves put it in 1866, "he thought a school-house would be their first proof of their independence." But whatever the motive, white contemporaries were astonished by the former slaves' "avidity for learning." Blacks of all ages flocked to the schools established by northern missionary societies, the Freedmen's Bureau, and on their own initiative by groups of ex-slaves.

Northern journalist Sidney Andrews, who toured the South in 1865, was profoundly impressed by how former slaves in tiny towns and villages "were supporting little schools themselves," and by how much education went on outside of the classroom: "I had occasion very frequently to notice that porters in stores and laboring men in warehouses, and cart drivers on the streets, had spelling books with them, and were studying them during the time they were not occupied with their work." Children taught their parents at home after school, and farm laborers "pored over the elementary pages." In a region where state-funded public education had been all but unknown before the Civil War, the willingness of black communities to tax themselves to establish schools was a remarkable innovation, especially for a largely impoverished community. "Is it not significant," wrote a northern educator, "that after the lapse of one hundred and forty-five years since the settlement [of Beaufort, North Carolina], the Freedmen are building the first public school-house ever erected here." As in the case of ministers, black teachers quickly assumed positions of leadership, using their literacy to assist the freedpeople with labor contracts and legal matters, and often moving into politics with the advent of black suffrage. Francis L. Cardozo, a native of South Carolina who had attended the University of Glasgow before the Civil War, returned to his home state in order to train black teachers and helped establish Avery Normal Institute, in Charleston. In 1868, he was elected South Carolina's secretary of state.

But in the eyes of African Americans, freedom meant more than establishing autonomous institutions. Recognition of their equal rights as American citizens quickly emerged as the animating impulse of black politics. In a society that had made political participation a core element of freedom, the right to vote inevitably became central to the former slaves' desire for empowerment and autonomy. "Slavery," said Frederick Douglass in 1865, "is not abolished until the black man has the ballot." And throughout the South in 1865 and 1866, blacks organized Equal Rights Leagues and held local and state conventions to protest discriminatory treatment by the army, public officials, and private business, and to demand equality before the law and the right to vote. The key organizers tended to be men who had achieved positions of leadership before and during the Civil War—free blacks, skilled slave artisans and preachers, and black soldiers. While these

gatherings sometimes revealed tensions within the black community—differences between former slaves and former free blacks over whether land redistribution should be considered a priority, for example—participants were unanimous in demanding equal rights and suffrage. The language of their resolutions was respectful, but firm. “We simply ask,” declared the South Carolina Colored People’s Convention of 1865 in a petition to Congress, “that we shall be recognized as men; that there be no obstructions placed in our way; that the same laws that govern white men shall govern black men; that we have the right of trial by jury of our peers; . . . that in short we be dealt with as others are—in equity and justice.” In Louisiana in the fall of 1865, a Republican-sponsored “voluntary election” attracted some twenty thousand black voters. “The whole Parish was in an uproar” on election day, reported an army officer, with former slaves abandoning the plantations, “stating that they were going to vote.”

The political organizing of 1865 helped place the issue of black suffrage on the national agenda, and strengthened the resolve of Radical Republicans in the North to oppose Andrew Johnson’s plan of Reconstruction, which excluded blacks from political participation. Local political action by African Americans paved the way for the explosion of political activism in 1867, when Congress decreed that black men in the South should have the right to vote. And it exemplified the powerful identification that blacks had developed, thanks to emancipation and the service of black soldiers, with the national government. In May 1865, a gathering of “colored men” in Petersburg, Virginia, adopted a series of resolutions demanding “an equality of rights under law.” They justified their claim by reference both to the service of black soldiers and the fact that “the word white or slave is not found in the Constitution of the United States.” Many black meetings merged the language of the Declaration of Independence with the Constitution in staking out a claim to equal rights as citizens. “We think that the Constitution of these United States says,” declared a Florida black convention, “that all its citizens shall [possess] life, liberty, and the pursuit of happiness. But we fear that we will never get justice in this country, unless it is given by the U.S.” Moving to appropriate the nation’s revolutionary heritage for their own purposes, speakers pointed out that Crispus Attucks, a man of mixed African-Indian ancestry, had shed “the first blood” in the American Revolution. They objected to taxation without representation and drew up “Declarations” outlining grievances and claiming their “inalienable rights.” Clearly, they had knowledge of the nation’s past and a keen sense of the historical significance of the end of slavery. As a petition by ten Alabama freedmen, detailing violence by planters and abuses by local authorities, put it: “This is not the pursuit of happiness.”

Finally, as the battles over land underscored, economic autonomy was crucial to the former slaves’ definition of freedom. Some former slaves took direct action, refusing to leave plantations or sign labor contracts, and dividing the land among themselves. “My foreman Sydney,” complained a Tennessee planter, had not only taken up residence “in the rooms of my house,” but claimed “the land from the lane to the river” as his own, and “planted him an orchard.” Blacks deeply resented white charges that they understood freedom as idleness, or that once free they would prove unable to support themselves. When a planter berated a former slave for laziness—“You lazy nigger, I am losing a whole day’s labor by you”—the freedman responded, “Massa, how many days’ labor have I lost by you?” “We have been working all our lives,” said a Virginia freedman, “not only supporting ourselves, but we have supported our masters, many of them in idleness.” But the freedpeople remained adamant in the desire to work without the supervision of masters and overseers, to determine their own hours and pace of labor, and to receive wages commensurate with their effort. Most of all, as Garrison Frazier had explained to General Sherman during the Savannah Colloquy, genuine economic freedom could be obtained only through ownership of land, for without land, blacks’ labor would continue to be exploited by their former owners. “The negroes,” complained Georgia planter Charles C. Jones, Jr., toward the end of 1865, were “thoroughly demoralized. . . . Their great desire seems to be to get away from all overseers, to hire or purchase land, and work for themselves.” Only land, wrote Merrimon Howard, a former slave, would enable “the poor class to enjoy the sweet boon of freedom.”

When the war ended, many former slaves believed they had what one freedman, Bayley Wyat of Virginia, called “a right to the land.” The belief drew not only on knowledge of Sherman’s Field Order 15, but on the standards of justice nurtured under slavery, and the conviction that the nation as a whole had incurred an obligation to the newly freed slaves. (Had not Lincoln himself, in his second inaugural address, spoken of “the wealth piled by the bondsman’s two hundred and fifty years of unrequited toil?”) As Wyat explained, “[O]ur wives, our children, our husbands, has been sold over and over again to purchase the lands . . . and den didn’t we clear de land, and raise de crops? . . . And den didn’t them large cities in the North grow up on de cotton and de sugars and de rice that we made?” Black soldiers, who accounted for over one-third of the federal forces stationed in the South in mid-1865, encouraged this belief. “The Negro soldiery here,” complained a Mississippi planter, “are constantly telling our negroes that for the next year, the Government will give them land, provisions, and Stock and all things necessary to carry on business for themselves.”

Blacks' determination to assert their independence in economic relationships set them on a collision course with a planter class determined to reestablish as much of the old order as possible. Southern whites, especially a planter class devastated by wartime destruction and the loss of their slave property, sought to implement their own understanding of emancipation's promises. Bitterness and demoralization overwhelmed many a planter

like general Braxton Bragg returned from the war to his find "all, all was lost, except my debts." Bragg and his time in a slave cabin. Perhaps ten thousand slaveholders' homes after the war to begin anew in Europe or the North, in plantations in Brazil, where slavery survived until 1888. A majority, who remained in the South, the adjustment to a free proved extraordinarily difficult. Most remained convinced, in of South Carolina slaveholder Henry W. Ravenal, that "the old master and slave" had been "the best condition in which the two could live together for mutual benefit." Thus, it proved difficult to the reality of emancipation. "It seems humiliating to be compelled to live together with our own servants about wages," wrote the son of one Georgia planter.

Based on the idea that African Americans would not work except through physical coercion, white southerners sought ways to maintain a disciplined labor force and revive plantation agriculture despite the end of slavery. No less than the freedpeople, white planters quickly realized that control of labor rested on control of land. As Allan C. Izard, a rice planter whose former slaves claimed his plantation for themselves, wrote, "that feeling of security and independence has to be eradicated. . . . The first thing to do is to get solid and safe possession of the land." In effect, planters sought to impose on blacks their own definition of freedom. In contrast to African Americans' understanding of freedom as an open-ended ideal based on equality and autonomy, white southerners clung to the antebellum view that freedom meant mastery and hierarchy; it was a privilege, not a universal right, a juridical status, not a promise of equality.

Union army colonel Samuel Thomas, the director of the Freedmen's Bureau in Mississippi, reported in September 1865 that white public sentiment had not yet "come to the attitude in which it can conceive of the negro having any rights at all. Men, who are honorable in their dealings with their white neighbors, will cheat a negro without feeling a single twinge of honor. . . . And however much they confess that the President's proclamation broke up the relation of the individual slaves to their owners, they still have the ingrained feeling that the black people at large belong to the whites at large." Certainly, the prevailing view among white southerners was that



An 1866 cartoon lampoons "The Popular Idea of the Freedmen's Bureau—Plenty to Eat and Nothing to Do."

emancipation implied neither economic autonomy nor civil and political incorporation. "A man may be free and yet not independent," Mississippi planter Samuel Agnew observed in his diary in 1865. "A man might be free and still not have the right to vote," echoed a delegate to Virginia's Constitutional Convention two years later. The white South's general stance was summed up by a Kentucky newspaper: the former slave was "free, but free only to labor."

Rejecting the idea that emancipation implied civil and political equality or opportunities to acquire property or advance economically—rights that northerners deemed essential to a free society—most white southerners insisted that blacks must remain a dependent plantation labor force in a situation not very different from slavery. In the early days of Reconstruction, they sought to reestablish their authority over the former slaves through labor contracts. "Let everything proceed as formerly," one planter advised, "the contractual relation being substituted for that of master and slave." And contracts drawn up by planters in 1865, while providing for the payment of wages, often prescribed labor in gangs from sunup to sundown, as in antebellum days, and prohibited laborers from entertaining visitors, holding meetings, leaving plantations without the employer's permission, or even using vulgar language. Some planters still claimed the right, as under slavery, to determine whom their workers could marry. Not surprisingly, the freedpeople objected vehemently to such provisions, and these regulations generally proved impossible to enforce.

As 1865 drew to a close, rumors of an impending land redistribution swept across the rural South, animating many freedpeople and terrifying many white southerners. The "Christmas Day Insurrection Scare" that engulfed many parts of the South reflected the former slaves' continuing demands for political and economic rights, and the white South's panic at

Dunning School of Reconstruction

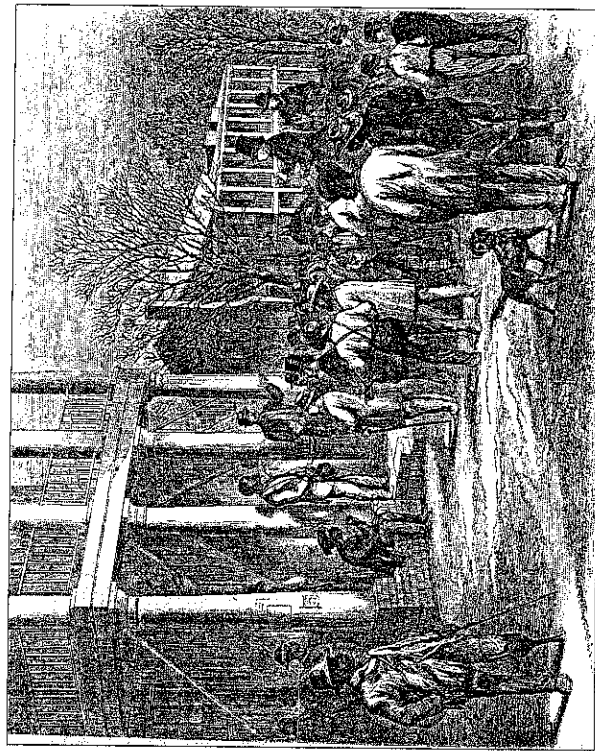
instances of black assertiveness. A federal officer who investigated reports of impending insurrection in Kingstree, South Carolina, where former slaves marched "with red colors flying" to demand better contract terms, concluded that exaggerated fears "spring from the dread on the part of the planters of the freed people asserting their rights of manhood." The fact that armed sentinels guarded many African American meetings thoroughly alarmed whites. Blacks bearing arms symbolized the social transformation brought about by emancipation.

But as it became clear that a significant change in land ownership would not be forthcoming, former slaves concentrated on other ways of asserting their economic independence and carving out day-to-day autonomy in their working lives. A long period of conflict followed on plantations throughout the South over the organization and control of labor. Disputes proliferated over the pace of work, the level of pay, the degree of oversight in daily labor, and control over the labor of children. Planters complained that agricultural workers devoted most of their time to their own garden plots, neglecting the cotton fields, and that domestic servants refused to be on call twenty-four hours a day, as before the war. Former slaves throughout the South refused to work under overseers, and frequently ignored directions from their employers. One "ploughman," reported a planter, "gets highly offended because I ask him if he has fed his oxen and does not answer the question at all, but asks me if I went in the field to see if they were fed." The early years of Reconstruction also witnessed strikes or petitions for higher wages among black urban workers as well, including Richmond, Virginia, factory laborers and Jackson, Mississippi, washerwomen. In many white-owned homes, butlers refused to cook or polish brass, and chambermaids said it was not their responsibility to answer the front door.

The postwar labor shortage, indeed, gave former slaves considerable bargaining power. If one planter's rules and regulations seemed too onerous, there was usually another planter nearby desperate for labor, and who adopted a more lenient attitude. On Laurel Hill, a Mississippi plantation, former slaves at the end of 1866 refused to sign contracts for the following year unless the owner provided education for their children and recognized the workers' right to leave the plantation at will, set their own pace of work, and have access to garden plots. White neighbors, reported the overseer, Wilmer Shields, offered the laborers "every inducement" to change jobs. One promised blacks the use of horses to ride to Natchez on Saturdays; another, according to Shields, offered "plenty of whiskey and every latitude and liberty to do as they please if they work for him." Convinced that "we are too strict and do not pay enough," Shields reported in January

1867, nearly all his laborers departed, "and we cannot blame them, in view of the tempting offers made to them." One planter placed an advertisement in a southern newspaper, offering a fifty-dollar reward for "information that will enable me to make a living . . . by the use of Negro labor."

Unable to impose their will on their former slaves, planters quickly turned for assistance to the new state governments established in 1865 under President Johnson's plan of Reconstruction. Given a free hand by the president in determining the contours of Reconstruction, nearly all of the legislatures in the former Confederate states in 1865 and 1866 enacted "Black Codes" laws that did much to undermine support in the North for Johnson's Reconstruction program. The laws recognized certain minimal elements of black freedom—they authorized the former slaves to acquire property, marry, sign contracts, and testify in court (but only in cases involving other blacks). Nonetheless, the Black Codes' provisions confirmed the observation of journalist Sidney Andrews: "the whites seem wholly unable to comprehend that freedom for the negro means the same thing as freedom for them. They readily enough admit that the Govern-



A news engraving depicts an incident involving enforcement of the Black Codes in Monticello, Florida, in late 1866, when a freedman convicted of vagrancy for not signing a labor contract was auctioned off to work for a white employer who would pay his fine.

ment has made him free, but appear to believe that they have the right to exercise the old control."

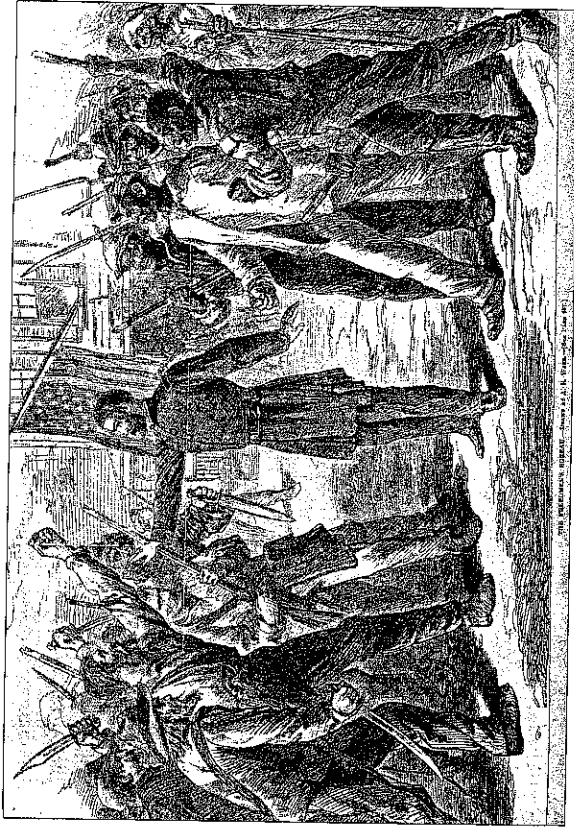
Along with denying blacks equality before the law and political rights, the Black Codes required all African Americans to sign yearly labor contracts each January. Those who failed to do so could be arrested as vagrants and fined; if they proved unable to pay, they could be auctioned off to an employer who would pay their fines, and then forced to work to reimburse him. The laws also prohibited employers from "enticing" away another employer's laborers by offering them higher wages, thus, in effect, outlawing a functioning market in labor. Several states also enacted apprenticeship laws that allowed courts to declare black parents incapable of supporting or properly raising their children, and to assign those children as uncompensated labor for white employers (with the former owner often given first preference). A direct threat to the newly won stability of black families, these laws aroused bitter complaint among the freedpeople, who deluged the Freedmen's Bureau and local courts with petitions to free their children from involuntary apprenticeships. "I think very hard of the former owners," one aggrieved parent declared, "for trying to keep my blood when I know that slavery is dead."

All these measures were enforced by a flagrantly biased political and legal system in which African Americans had no voice, and by all-white police forces and state militias (often composed of Confederate veterans still wearing their gray uniforms). No jury in Georgia, reported a Freedmen's Bureau agent, would "convict a white man for killing a freedman, or 'fail to hang' a black man who killed a white in self-defense. Blacks, commented another agent, "would be just as well off with no law at all or no Government" as with the legal system established in the South under Andrew Johnson. "If you call this Freedom," wrote one black veteran, "what do you call slavery?"

The real significance of the Black Codes and other measures adopted by the state governments established by Andrew Johnson lay not in their effectiveness—the law was an inefficient means of mobilizing labor, and the most onerous provisions of the codes were quickly voided by the Freedmen's Bureau—but in what they showed about the determination of the South's white leadership to ensure that white supremacy and plantation agriculture survived emancipation. In their immediate impact, the codes helped to undermine northern support for Johnson's policy. Defeated Confederates were no more able to shape the aftermath of emancipation to their own liking than were the former slaves. For a third protagonist, the victorious North, also sought to determine the meaning of freedom and the course of the transition from slavery to freedom.

Even as the war drew to a close, northerners struggled to define precisely the repercussions of the destruction of slavery. By 1865, whatever their views on black suffrage, virtually all northerners agreed that property rights in man must be abrogated, contractual relations substituted for the discipline of the lash, and the master's patriarchal authority over his former slaves abolished. In debates over the Thirteenth Amendment, one phrase was used more than any other to invoke the essential distinction between slavery and freedom—the "right to the fruits of his labor." How could this central attribute of freedom be guaranteed?

In the immediate aftermath of emancipation, the task of assisting in the birth of a free society in the South fell to the Freedmen's Bureau. The Bureau's responsibilities were, to say the least, daunting. In turn diplomat, marriage counselor, educator, sheriff, judge, and jury, the individual Freedmen's Bureau agent was supposed to establish schools, provide aid for the destitute, adjudicate disputes between whites and blacks and among the freedpeople, and secure former slaves and white Unionists equal treatment before the courts. In many areas—education and health care, for example—the bureau's achievements were indeed striking. Central to its



An 1868 cartoon, "The Freedmen's Bureau," heralds the agency as a temporizing presence in the South. While showing the agent defending freedpeople from white aggression, the cartoon also depicts weaponry on both sides, suggesting that the Bureau was the only force preventing a southern race war.

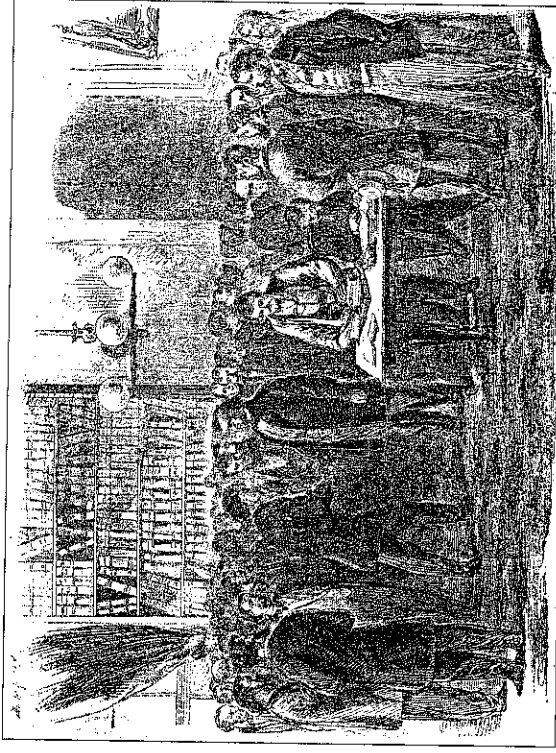
mission, however, was the effort to establish a working system of free labor, and here the outcome proved far more problematic. The fault, however, lay not only with the bureau itself, or its limited resources (at its peak it had fewer than one thousand agents for the entire South), but with the North's free-labor ideology and the impossibility of reconciling the aspirations of former masters and former slaves.

The idea of free labor, wrote one bureau agent, was "the noblest principle on earth." Developed in the North before the Civil War and sanctified by the Union's triumph, the free-labor-ideology rested on the idea that the opportunity to improve one's condition in life was a far more effective spur to efficient labor than the coercion of slavery. In the North, ostensibly, any hardworking individual could rise from the dependence of wage labor to the economic autonomy accorded by owning a farm, workshop, or business. "There is not of necessity," Lincoln had declared at the outset of the Civil War, "any such thing as a free hired laborer being fixed in that condition for life." As a result, the interests of employer and employee were harmonized, and a prosperity ensued in which all classes shared. If blacks and whites in the South abandoned ideas inherited from slavery and accepted free-labor principles, an enterprising and progressive South would rise from the ashes of slavery. To planters' complaints that without coercion—provided by the lash or the law—blacks would never work voluntarily and efficiently, bureau agents responded: "Why does the white man labor? That he may acquire property and the means of purchasing the comforts and luxuries of life. The colored man will labor for the same reason." All that was required were equitable wages and working conditions and the opportunity to improve their situation in life.

With President Johnson having rejected the idea of assisting blacks in acquiring land, however, the bureau had no alternative but to urge, and in some cases compel, former slaves to go back to work on plantations, under what it deemed equitable labor contracts. To the extent that this meant prohibiting coercive labor discipline and seeking to ensure that workers actually received their wages, the bureau reinforced the interests of the former slaves. To the extent that it helped to stabilize a chaotic plantation system, its policies coincided with the interests of the planters. In the end, the bureau's activities revealed that the free-labor outlook was not entirely applicable to an impoverished agricultural society just emerging from slavery. Far from being able to rise in the social scale through hard work, blacks were confronted by a labor market rigidly segmented along racial lines, in which black men were generally confined to unskilled and service labor, and black women to jobs in private homes as cooks, maids, and child nurses. For nearly all African Americans, especially those who labored in

agriculture, wages were too low to allow for any accumulation. As former slaves and former slaveholders staked out competing definitions of freedom, the Freedmen's Bureau sought to stand, in O. O. Howard's words, as an impartial arbiter "between the two classes." But as the encounter on Edisto Island made clear, Andrew Johnson's policies made it increasingly difficult for the bureau to assist the former slaves in their struggle for genuine freedom.

Nonetheless, as the time approached for Congress to reassemble at the beginning of December 1865, events in the South had begun to undermine northern support for Johnson's Reconstruction policy. As soon as Johnson announced his plan in May 1865, Radical Republicans protested the exclusion of blacks from participation in forming the South's new governments. "I hope you will do all that can be done for the protection of the poor negroes," Senator Henry Wilson wrote to O. O. Howard, for "this nation seems about to abandon them to their disloyal masters." Initially, most northerners seemed more than willing to give Johnson's policies a chance. What turned much of the North against Presidential Reconstruction was the course adopted by the new southern governments. Alarmed by the apparent ascendancy of "rebels," northern Republicans were further outraged by the Black Codes, which flagrantly violated free-labor principles and seemed designed, as one northern observer put it, to "restore all of



President Andrew Johnson pardons Rebels at the White House.

slavery but its name." "The most favorable opportunity was afforded" to the white South, declared the *Cincinnati Gazette* early in December 1865. "Conventions were authorized; Constitutions were adopted; legislatures were convened and congressmen were elected. . . . But the spirit in which this was responded to was a rebellious one. It showed very clearly that the people were not in a condition to be safely entrusted" with control of local affairs. More blunt was the *Chicago Tribune*, the leading Republican newspaper of the Midwest: "We tell the white men of Mississippi that the men of the North will convert the state of Mississippi into a frog pond before they will allow such laws to disgrace one foot of soil in which the bones of our soldiers sleep and over which the flag of freedom waves." Reports of violence directed against the freedpeople and northern visitors in the South reinforced the conviction in the North that Johnson's plan had gone awry.

Thus, the immediate aftermath of slavery was both a time of profound social conflict and a unique moment of promise in American history. On the one hand, the aspirations of the former slaves seem in retrospect amazingly modest. "All we ask," declared a black convention in Mississippi, "is justice, and to be treated like human beings." Yet in a broader sense, the prospect seemed within reach that a society of genuine interracial equality could be constructed on the ashes of slavery. Events in 1865, especially the militancy of former slaves in claiming substantive freedom, and the conduct of Andrew Johnson and the state governments he set in place in attempting to restore as much of the old order as possible, made plain that the battle over the consequences of emancipation was far from settled. When Congress reassembled in December 1865, the main battleground of the struggle over the transition from slavery to freedom, and the world that would replace the South's shattered peculiar institution, shifted to Washington.

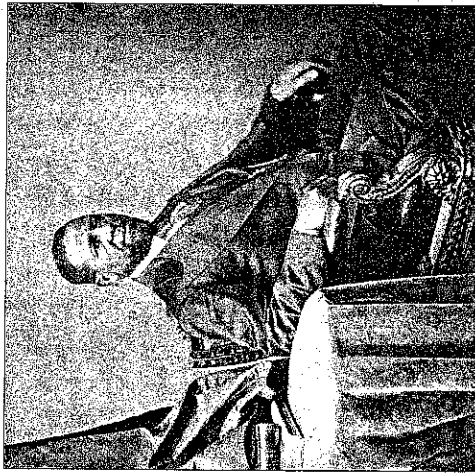
VISUAL ESSAY



ALTERED RELATIONS

What difference can one picture make?

Frederick Douglass realized that something in America had changed after seeing a portrait published in 1870 by Louis Prang and Company, one of the nation's leading dealers in inexpensive color prints, or chromolithographs. In April of that year the firm released a print of Hiram R. Revels, the newly elected senator from Mississippi. The Revels portrait was based on a commissioned painting by the German immigrant and Union army veteran Theodore Kaufmann, which in turn was based on a photograph taken by the reigning recorder of illustrious Americans, Mathew Brady. "It strikes me as a faithful representation of the man," Douglass commented in June 1870 after Prang sent him a copy of the print. "Whatever may be the prejudices of those who may look upon it, they will be compelled to admit that the Mississippi Senator is a man, and one who will easily pass for a man among men. We colored men so often see ourselves described and painted as monkeys, that we think it a great piece of good fortune to find an exception to this general rule."



Perhaps, Douglass continued, black Americans could now benefit from the virtues of pictures already enjoyed by white citizens: "Heretofore, colored Americans have thought little of adorning their parlors with pictures. They have had to do with the stern, and I may say, the ugly realities of life. Pictures come not with slavery and oppression and destitution, but with liberty, fair play, leisure, and refinement. These conditions are now possible to col-



ored American citizens, and I think the walls of their houses will soon begin to bear evidences of their altered relations to the people about them.

"This portrait," Douglass concluded, "... is a historical picture. It marks, with almost startling emphasis, the point dividing our new from our old condition."

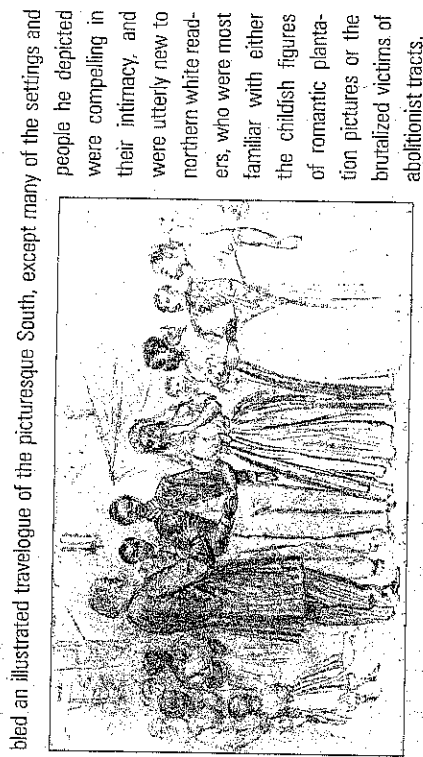
Can any one picture merit such a claim for significance? To Douglass, the quest for full citizenship for African Americans was multifaceted. He understood that it encompassed more than political rights,

but extended to cultural rights as well, an expansive vision of equality that involved freed people's access to all forms of expression and dissemination.

Douglass was not averse to promoting the wide sale of a black statesman's portrait, but he understood that Revels's picture had a particular significance for freedpeople. For Douglass, the term *representation* had both a political and a pictorial meaning, and if the Civil War's promise of equality was to be realized, those meanings had to merge. Revels's realistic portrait embodied the myriad hopes, obstacles, and possibilities comprising Reconstruction.

Wide dissemination of such public portraits was key to the realization of this notion of equality. Despite Douglass's claims for the Prang print's particular significance, by the time he praised it, a wave of journalistic and commemorative images, published individually and in the pages of the burgeoning weekly and monthly illustrated press, had augured a new era, at least in terms of the creation of an inclusive public pictorial record. For the first time in U.S. history, in a variety of formats and publications, African Americans were demonstrably equal members in the nation's pictorial republic. At least in the short term, black Americans had at their disposal inexpensive images with which they could at last adorn the walls of their homes.

Nowhere was this more evident than in weekly illustrated newspapers such as *Harper's Weekly* and *Frank Leslie's Illustrated Newspaper*. While documenting momentous events in Washington, D.C.—such as Revels's admission to the U.S. Senate in February 1870—the press also depicted scenes of changing social relations in the South. As soon as the war had ended, the pictorial papers dispatched "special artists" on tours of the South to chart what amounted to terra incognita for most of the weeklies' readers (the vast majority of whom were northerners). The sketches and reports that veteran pictorial journalists such as Alfred R. Waud sent back in 1866 to *Harper's Weekly* often resem-



After drawing a military wedding scene in Vicksburg, Mississippi, in June 1866, which

subsequently was reproduced as an engraving in *Harper's Weekly*, Waud showed the sketch to a local white "lady." Her immediate response was disbelief: "the decent appearance of the party and the taste shown in the bride's apparel [was] exaggerated for the sake of appearances." This, Waud assured the incredulous woman and *Harper's Weekly's* readers in general, "was not the case; the scene is given just as it appeared." At least for some people, old habits of viewing died hard.

To be sure, the new pictorial order in the making was influenced by old pictorial conventions and modes of storytelling, and by the traditions of major northern publications and institutions. Prominent among those visions was a reform bent that framed new images in familiar paternalistic and prescriptive messages.

James E. Taylor, a former Civil War special artist dispatched by Leslie's to cover the South during 1866 and 1867, came across a freedman plowing his field in South Carolina. Taylor's "Plowing in South Carolina," published in October 1866, depicted a yeoman cultivating his homestead in the face of



limited resources—"the plow itself rude, the steer in the yoke clumsy and ungainly, and the whole contrivance very nearly the same that may be seen in arid Egypt or sultry Hindostan. . . ." But, in his adversity and dignity, this freedman moved from the ordinary to the symbolic, representing an African American as a quintessentially republican symbol of virtue, responsibility, and independence.

SECOND READER.

LESSON XV.

cock	wash	pig	too
crows	dawn	dig	two
socks	bound	hoe	scrub
wife	clean	plow	bake
horns	know	noise	eyes
cheer	knives	knifel	school

What letter is silent in hoe? in clean? Say just, not, far, catch, not, correct; sit, not, set; father, not, father.



THE FREEDMAN'S HOME.

SEE this home! How neat, how warm, how full of cheer, it looks! It seems as if the sun shone in there all the day long. But it takes more than the light of the sun to make a home bright all the time. Do you know what it is? 'Tis love.



Hospital in Richmond, Virginia, run by the Cooke sisters. Artist James Taylor noted that "this school . . . tells its own story in the order prevailing, and the promise which it gives of

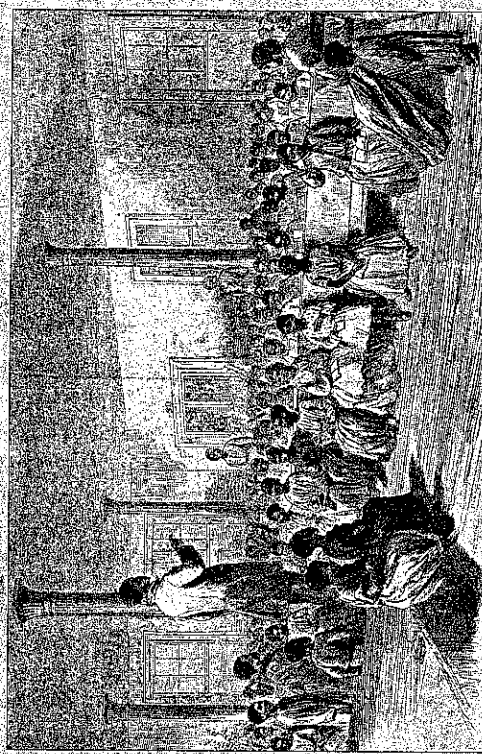
permanent ben-
e-
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eff to that col-
ored race which
could not have
been so long
kept in slavery if
it had not like-
wise been kept
in ignorance.

While the
engraving con-
tradicted popular
misconceptions
about the bu-
reau's catering
to African Amer-
icans' indolence,
it also reinforced
familiar stereotypes
in showing
eager black students
circled about their
teachers in a tradi-
tional relationship
to white bene-
factors.

This optimistic portrayal of suc-
cess took its most didactic turn in the
literature distributed to freedpeople.
Northern reformers prepared text-
books for freedmen and women that
often contained more than practical
lessons. Besides instruction in spell-
ing, reading, and pronunciation, this
page from *The Freedman's Second
Reader* presents a "model" black
household that does not so much
depict the life of most freedpeople
as propose the ideal domesticity of
the northern middle-class family to
which reformers thought the freed-
people should aspire.

More typical were news illus-
trations such as the *Leslie's* Novem-
ber 1866 picture portraying the
laudable work of a Freedmen's Bu-
reau school located in Chimborazo

The contrast is striking between this engraving and an illustration of the Charleston "Zion" School for Colored Children, which was based on a sketch by Alfred Waud and published almost a month later in *Harper's Weekly*. Waud reported, "It is a peculiarity of this school," organized in December 1865, "that it is entirely under the superintendence of colored teachers. The children were apparently very obedient and attentive to their teach-

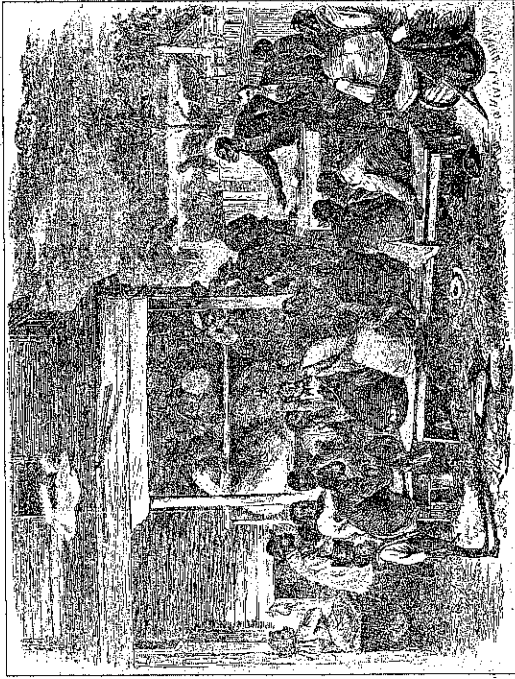


ers, and out of eight hundred and fifty scholars enrolled had an average daily attendance of seven hundred and twenty, the number of teachers being thirteen." Statistics aside, Waud's picture of black instructors and students situates its African American subjects as active participants in their own emancipation. Such public images of freedpeople defied popular expectations and, as a result, engendered newfound respect among white citizens for African Americans' struggles.

James Taylor and Alfred Waud both had served in the ranks of northern newspaper artists who reported the Civil War. On the other hand, in 1861 Richmond-born William Ludwell Sheppard abandoned a lucrative art career in New York City to return to his home state to fight for the Confederacy. A second lieutenant in the Richmond Howitzers, Sheppard seemingly had no trouble resuming his illustration career after the South was defeated. He quickly gained a national reputation for his postwar sketches of daily life in the South, published in many leading magazines, most of them displaying a landscape peppered by endearingly childlike "picturesque" blacks. However, even this nostalgic Confederate veteran—who later in life would design numerous monuments harking back to the glories of the South's "lost cause"—was swept up in a new way of seeing.

Perhaps more than any other contemporary image, it is Sheppard's July 1868 *Harper's Weekly* illustration, "Electroning at the South," that best captures the exuberance of "grass roots" community politics during early Reconstruction. "The scene is wholly charac-

teristic," the illustration description goes



The eager attention of the listeners, and the evidently glib tongue of the speaker, reveal that remarkable adaptability and readiness so observable in the colored race. They take naturally to peaceful and lawful forms; they are naturally eloquent, and instead of scoffing loftily at them as incompetent, their white brethren will find it necessary to bestir themselves, or the "incompetent" class will be the better educated and more successful.

The patronizing tone of the text notwithstanding, such images bespoke a new public presence for freedpeople that broke from the older ways of seeing and depicting African Americans. But as much as they were powerful markers of change, these Reconstruction-era pictures also served as a red flag to those forces dedicated to halting the altered relations of life and art.

CHAPTER FOUR



AN AMERICAN CRISIS

BETWEEN 1865 AND 1868, the United States confronted one of the greatest political crises in its history: the battle between President Andrew Johnson and Congress over Reconstruction. The crisis arose from the intersection of three developments: the militancy of the former slaves in demanding substantive freedom; white southern reluctance to accept the reality of emancipation; and Johnson's intransigence in the face of growing northern concern over a series of momentous events in the South. The ensuing struggle resulted in far-reaching changes in the structure of constitutional authority and the nature of American citizenship. For the first time, the principle of equality before the law for all Americans, regardless of race, was written into the nation's laws and Constitution. For the first time, the federal government was empowered to override state actions that violated this new principle of equal civil rights. The era of Reconstruction lasted only a bit more than a decade, but the rewriting of the laws and the Constitution during those years continues to affect American life to this day. In contemporary debates over affirmative action, the rights of citizens, and the meaning of equality, Americans still confront issues bequeathed to our generation by the successes and failures of Reconstruction.

As in any historical era, unanticipated events profoundly shaped the crisis. Abraham Lincoln died without having formulated a clear Reconstruction policy. It is almost impossible to imagine Lincoln, an astute politician with a keen sense of public opinion, allowing himself to become isolated from his party and the northern electorate, as happened to his successor. It is inconceivable that Lincoln would have so alienated Congress that he would have found himself placed on trial before the Senate, coming within a single vote of being removed from office. More likely, Lincoln and the Republican Congress would have worked out a Reconstruction plan more attuned to protecting the rights of the former slaves than the one

Johnson envisioned, but less radical than the one Congress eventually adopted. Backed by a united Republican North, such a plan might have gained greater white southern acquiescence. But would a smooth transition to Reconstruction have served the nation's interests, and especially those of the former slaves? The crisis created by Johnson's intransigence and incompetence was, in a sense, the creative element of the situation. It pushed members of Congress into uncharted political waters, eventually leading them to embark on a wholly unprecedented experiment in interracial democracy.

The answers to "what if" questions, of course, are purely speculative. What is certain is that the assassination of Lincoln brought into the White House a man who lacked the personal qualities and political sagacity to provide the nation with enlightened leadership when it was most needed. Johnson was a lonely, stubborn man with few confidants, who seemed to develop his policies without consulting anyone, and then stuck to them inflexibly in the face of any and all criticism. He lacked Lincoln's ability to conciliate his foes and his capacity for growth, which was illustrated by Lincoln's evolving attitude toward black suffrage during the Civil War. Unlike Lincoln, Johnson had no real standing in the Republican Party and no sensitivity to the nuances of northern public opinion. Moreover, as noted earlier, Johnson held deeply racist views regarding blacks, and



An October 1866 Harper's Weekly cartoon views Andrew Johnson's Reconstruction policies as a betrayal of northern sacrifices during the Civil War.

proved unable to envision their playing any role in the South's Reconstruction, except as a dependent laboring class returning to work. "White men alone," he told one visitor to the White House, "must manage the South." Taken together, Johnson's beliefs, prejudices, and personality traits were a recipe for disaster at a time when an unprecedented national crisis put a premium on the capacity to think in new and creative ways.

The Thirty-eighth Congress adjourned in March 1865, as the Civil War hastened to its conclusion. The Thirty-ninth did not assemble until the following December. In the interim, Johnson enjoyed a free hand in shaping and implementing Reconstruction policy. He used it to set in motion Presidential Reconstruction. During the summer and fall of 1865, new southern governments were established, elected by whites alone, and Johnson ordered lands on which the army and the Freedmen's Bureau had settled former slaves returned to their former owners.

Johnson's policies initially won considerable support from a war-weary North. Not only did his promise of a quick restoration of the Union appeal to the widespread desire for a return to normalcy, but in support of his initiatives the president invoked traditions and beliefs deeply rooted in the American experience. Johnson's insistence that the federal government could not dictate how the states treated the former slaves appealed both to the tradition of federalism, which accorded state governments control over most local affairs, and to racism. The cry "this is a white man's government" had a potent appeal throughout the country. Moreover, businessmen anxious to invest in the South or to restore prewar connections with southern planters and merchants welcomed the prospect of quick sectional reconciliation. No one relished the prospect of a battle between Congress and the president. "We ought to do all in our power to avoid a break with him," wrote one Republican senator in November 1865. But Johnson's policies, and his unwillingness to consider any modification to accommodate criticism, would soon throw the political system into turmoil.

Events in the South in 1865 profoundly affected the political climate in the North. The freedpeople's unexpected militancy in demanding civil rights, the vote, and land appears to have thoroughly alarmed Johnson, propelling him into an alliance with the planter class he at first hoped to marginalize during Reconstruction. Reports of atrocities against the freedpeople—murders, whippings, the burning of schools and churches—and the enactment of the Black Codes by the new state governments Johnson had created led many northern Republicans to doubt whether the white South was genuinely prepared to accept the reality of emancipation.

Johnson had hoped to place southern Reconstruction in the hands of men, like him, who had always been loyal to the Union. He believed that

his initial exclusion of wealthy planters from individual pardons would allow ordinary white farmers—the group for whom he considered himself a spokesman and most of whom, he believed, had been dragged unwillingly into secession—to take control of southern government. But when the South's white electorate went to the polls in the fall of 1865, as noted earlier, it filled the region's offices with former Confederate generals and public officials. William W. Holden, whom Johnson had appointed governor of North Carolina, warned the president that his "leniency" had "emboldened [the] rebellious spirits" of the South. Johnson himself worried that the elections seemed to reflect a spirit of "defiance, which is all out of place at this time." But he did not reconsider his Reconstruction policies.

Few northerners harbored vindictive attitudes toward the defeated Confederacy. Indeed, overall, Reconstruction was marked by amazing leniency. Johnson ordered nearly all confiscated property restored to its owners, and swiftly demobilized the Union army. Northern authorities arrested a handful of southern leaders, but most were quickly released. Jefferson Davis spent two years in prison but never stood trial for treason. His vice president, Alexander H. Stephens, served a brief imprisonment, returned to Congress in 1873, and died ten years later as governor of Georgia. Only one important Confederate was executed—Henry Wirz, the commander of Andersonville



"Look here, Andy," says a recently reinstated southerner to Andrew Johnson poised over a basket overflowing with pardons for former Confederate officials, "if you want Reconstruction, you had better set me over the whole thing down in our state."

whom were driven from their homes and lost their property, suffered a far harsher fate than Confederates. What motivated the North's turn against Johnson's policies was not a desire to "punish" the South, but the evident inability of the region's white leaders to accept the twin realities of Confederate defeat and slave emancipation. Johnson would never quite understand that, whatever their views regarding race, most Republicans emerged from the Civil War convinced that the freedpeople had earned a claim upon the conscience of the nation.

Most adamant during 1865 in their criticism of Johnson's policies were the Radical Republicans, representatives within national politics of the antislavery impulse that had grown so markedly in the wartime North. Although they differed on many issues, such as the tariff and fiscal policy, Radicals shared the conviction that slavery and the rights of black Americans were the preeminent questions facing nineteenth-century America. Southern aggressions, they believed, had caused the Civil War, and the war's outcome presented a golden opportunity for the nation to remake itself in accordance with the principle of equal rights for all, regardless of race.

For decades, Radical leaders such as Thaddeus Stevens and Charles Sumner had defended the unpopular cause of black suffrage and equality before the law for black Americans. Now they viewed the enfranchisement of blacks as the sine qua non of a successful Reconstruction. Stevens, as we have seen, was the most outspoken Radical in the House of Representatives, an advocate of black suffrage before the war, of the arming of black soldiers during it, and of the confiscation and redistribution of planters' land in 1865. Sumner, a senator from Massachusetts, was closer to the abolitionists than any major political figure. In 1851, he had represented a black parent in Boston who unsuccessfully sued to desegregate the city's public schools. Sumner's argument—that laws requiring black children to attend separate schools were inherently unequal—anticipated by more than a century the Supreme Court's decision in *Brown v. Board of Education*, which outlawed school segregation. Without black suffrage, Sumner told Johnson soon after Lincoln's assassination, freedom for blacks "is a mockery." Sumner had little influence on the details of legislation, but his eloquent speeches advocating equality before the law attracted increasing support. "You have hundreds of believers in your doctrine in this State," a Californian wrote him, "where you had not one four years ago." More than other Republicans, as well, the Radicals embraced the expanded powers of the federal government born of the Civil War. Traditions of federalism and states rights, they insisted, must not obstruct a sweeping national effort to protect the equal rights of all citizens. The Radical vision was of citizens enjoying equal polit-



A contemporary print denounces South Carolina congressman Preston S. Brooks's assault on Massachusetts senator Charles Sumner on May 22, 1856. The attack on the floor of the Senate was in retaliation for Sumner's speech accusing South Carolina senator Andrew P. Butler (Brooks's distant cousin) of having taken "the harlot slavery" as a mistress.

ical and civil rights, secured by a powerful national state. "The same national authority," declared Sumner, "that destroyed slavery must see that this other pretension [racial inequality] is not permitted to survive."

Although hardly typical of all Radicals, Stevens was Johnson's fiercest antagonist. The floor leader of House Republicans, he was a master of parliamentary procedure and impromptu debate. The South, Stevens insisted, was a "conquered province," which Congress could govern as it saw fit. While he strongly advocated black suffrage, Stevens's most cherished goal was his proposal to divide land confiscated from disloyal planters into forty-acre plots for former slaves and northern migrants to the South. "The whole fabric of southern society," he declared, "must be changed, and never can it be done if this opportunity is lost. Without this, this Government can never be, as it has never been a true republic." Stevens's plan to make "small independent landholders" of the former slaves proved too radical even for most of his Radical colleagues, who remained wedded to the free-labor idea that blacks should move up the social ladder by slowly accumulating wealth while working for wages. But Stevens did shepherd to passage in the House the key legislation and constitutional amendments between 1865 and 1868.

The Radicals hardly controlled Congress, as historians hostile to Reconstruction would later claim. Nonetheless, they did enjoy considerable power. Their influence lay both in the strength of their commitment to the ideal of equal rights, and in the fact that in a time of crisis, they alone seemed to have a coherent sense of purpose. Time and again, Radicals had staked out unpopular positions only to see them vindicated by events. Uncompromising opposition to slavery's expansion, emancipation of the slaves, the arming of black troops—all these ideas were radical when first proposed, but had entered the political mainstream. The same, Radicals were convinced, would happen with black suffrage.

Occupying the political terrain between the Radicals and Johnson was the moderate majority of the Republican Party, led in Congress by senators such as Lyman Trumbull of Illinois and John Sherman of Ohio. Moderates remained unenthusiastic about black suffrage, which they viewed as a political liability in the North and an experiment whose outcome could not be predicted in the South. When the Civil War ended, only five northern states allowed blacks to vote on the same terms as whites. Indeed, in referenda in 1865, voters in Connecticut, Wisconsin, and Minnesota turned down proposals to enfranchise their states' tiny black populations (although the number of supporters, ranging from 43 to 47 percent of those voting, was far higher than in similar prewar ballots on the issue). Could the North, moderates asked, require of the South what it was not prepared to do itself? Nonetheless, moderates were fully committed to ensuring "loyal" government in the Confederate states and protecting the basic rights of the former slaves in a free-labor economy.

Moderate Republicans tended to view Reconstruction as a set of practical problems, not, as many Radicals believed, as an invitation to a social revolution. In the moderates' view, the states of the old Confederacy were neither conquered territory, as Stevens insisted, nor states retaining all their rights, as Johnson held. Having rebelled against the Union, they could temporarily be held in the "grasp of war" until the federal government decided on what terms to restore them to the full exercise of their rights and powers. In 1865, the moderates sincerely hoped to work with Johnson to devise a just and lasting plan of Reconstruction. But Johnson's policies and the actions of the state governments created under his supervision eventually drove moderates into the Radicals' arms, uniting the entire Republican Party against the president. Congress also contained a contingent of northern Democrats, but in numbers so small—in both houses Republicans outnumbered them by better than three to one—that they had no real influence on events.

When Congress assembled in December 1865, Johnson announced that

Reconstruction effectively was over. Governments led by men loyal to the Union had been established in the South, he declared, and all Congress had to do to complete "the work of restoration" was to seat their elected representatives. In response, Radicals such as Stevens and Sumner called for the abrogation of the Johnson governments and the establishment of new ones based on equality before the law and male suffrage. The more numerous moderates, however, still hoped to work with Johnson, and these proposals got nowhere. Nonetheless, the moderates were not prepared to embrace the president's Reconstruction plan without modifications. Congress refused to seat the representatives and senators elected from the southern states, many of whom had been leading officials in the Confederate government and army. It established a Joint Committee on Reconstruction, and set about debating the proper course of action.

Much of the ensuing discussion revolved around the problem, as Trumbull put it, of defining "what slavery is and what liberty is." "We must see to it," announced Senator William Stewart of Nevada, "that the man made free by the Constitution of the United States is a freeman indeed." To the Radicals, freedom was "a right so universal," in the words of another congressman, that it must apply to all

Americans and no longer be limited by race. Moderate Republicans believed that further federal measures were necessary to protect blacks' civil rights. "Their present nominal freedom is nothing but a mockery," wrote Illinois Republican leader Jesse Fell shortly after Congress assembled. Equality before the law, enforced if necessary by national authority, had become the moderates' requirement for restoring the South to full participation in the Union.

Two bills reported to the Senate soon after the New Year by Lyman Trumbull, chairman of the Senate Judiciary Committee, embodied the moderates' policy of leaving Johnson's governments in place but adding federal protec-



In a December 1865 cartoon called "No Accommodations," a southern congressman is denied his old seat in the House of Representatives. "I am very sorry, Sir," reports the House Clerk, "but we cannot accommodate you. All the Old Seats were broken up, and are now being thoroughly Reconstructed."

tion of the freedpeople's rights. The first bill extended the life of the Freedmen's Bureau, scheduled to expire within a few months. The second, the Civil Rights Bill, was a far more important measure that for the first time offered a legislative definition of American citizenship. The bill declared all persons born in the United States (except Indians) national citizens, and went on to spell out the rights they were to enjoy equally without regard to race. Equality before the law was central to the measure—no longer could states enact laws such as the Black Codes declaring certain actions crimes for black persons but not white. So too were free-labor values: no state could deprive any citizen of the right to make contracts, bring lawsuits, or enjoy equal protection of the security of person and property. Although the bill addressed primarily discrimination by state officials, it also contained the intriguing word *custom*, suggesting that private acts also fell within its purview. No state law or custom could deprive any citizen of what Trumbull called the "fundamental rights belonging to every man as a free man." The bill allowed federal marshals and district attorneys to bring suit against violations—with cases to be heard in federal, not state, courts—and allowed aggrieved individuals to sue for civil damages.

In constitutional terms, the Civil Rights Bill represented the first attempt to give concrete meaning to the Thirteenth Amendment, which ended slavery, to define in legislative terms the essence of freedom. If states could deny blacks the rights specified in the measure, asked one congressman, "then I demand to know, of what practical value is the amendment abolishing slavery?" The bill said nothing of the right to vote. Nonetheless, it reflected how profoundly the Civil War had altered traditional federal-state relations and weakened traditional racism. A mere nine years earlier, the U.S. Supreme Court, in the Dred Scott decision, had decreed that no black person could be a citizen of the United States. Before the war, Congressman James G. Blaine later wrote, only "the wildest fancy of a dis-tempered brain" could have envisioned a law of Congress according blacks "all the civil rights pertaining to a white man." Although clearly directed against the South, the bill had a national scope, and it invalidated many discriminatory laws in the North as well. "I admit that this species of legislation is absolutely revolutionary," declared Senator Lot M. Morrill of Maine. "But are we not in the midst of a revolution?"

Although most of his cabinet urged him to approve these measures, Johnson vetoed both the Freedmen's Bureau and Civil Rights bills. He insisted that Congress pass no Reconstruction legislation until the southern states were fully represented—a position, as one senator correctly predicted, that meant that "he will and must . . . veto every other bill we pass."



Scenes outside the galleries of the U.S. House of Representatives during the passage of the Civil Rights Bill

In the Freedmen's Bureau Bill veto, Johnson claimed that he, not Congress, represented the will of the people. "This is modest," one Republican remarked, "for a man made president by an assassin."

Johnson's vetoes deployed arguments opposing federal action on behalf of African Americans that have been repeated ever since, including in our own time, by critics of civil rights legislation and affirmative action. He appealed to fiscal conservatism, raised the specter of an immense federal bureaucracy trampling on citizens' rights, and insisted that self-help, not dependence on government handouts, was the surest path to individual advancement. Congress, he insisted, had neither the need nor the authority to protect the freedpeople's rights. Assistance by the Freedmen's Bureau would encourage blacks to believe that they did not have to work for a living, thereby encouraging them to lead a "life of indolence." Johnson called the civil rights measure a "stride toward centralization of all legislative powers in the national Government." Although he did not use the modern term "reverse discrimination," the president somehow persuaded himself that by acting to secure the rights of blacks, Congress would be discriminating against white Americans—"the distinction of race and color is by the bill made to operate in favor of the colored and against the white race."

Johnson also delivered an intemperate speech to a crowd at the White

House in February 1866 condemning the Radicals and hinting that they were responsible for Lincoln's assassination. Singling out Stevens, Sumner, and abolitionist Wendell Phillips by name, he asked, "does not the murder of Lincoln appease the vengeance and the wrath of the opponents of this government?" But more significant than Johnson's intemperate language, his vetoes ended all chance of cooperation with Congress. Although the Senate failed by a single vote to override the Freedmen's Bureau Bill veto (another measure, enacted in July, extended the bureau's life to 1870), Congress mustered the two-thirds majority to pass the Civil Rights Act. For the first time in American history, a significant piece of legislation became law over a president's veto.

Johnson's intransigence also impelled Republicans to devise their own plan of Reconstruction, and to write their understanding of the consequences of the Civil War into the Constitution, there to be secure from shifting electoral majorities. The result was the Fourteenth Amendment, approved by Congress in 1866 and ratified two years later. It enshrined for the first time in the Constitution the ideas of birthright citizenship and equal rights for all Americans. The amendment, Stevens told the House, gave a constitutional foundation to the principle that state laws "shall operate equally upon all." "I can hardly believe," he added, "that any person can be found who will not admit that . . . [it] is just." Unlike the Civil Rights Act, which listed specific rights all citizens were to enjoy, the Fourteenth Amendment used far more general language. It prohibited states from abridging any citizen's "privileges and immunities" or denying them "due process" or the "equal protection of the law."

This broad language opened the door for future Congresses and the federal courts to breathe meaning into the guarantee of legal equality, a process that occupied the courts for much of the twentieth century. The amendment also struck a blow against the Johnson governments in the South by prohibiting leading Confederate officials from holding office unless granted amnesty by Congress.



In this cartoon, "Extract Const. Amend.," Uncle Sam in the guise of a druggist exhorts President Johnson to accept the Reconstruction amendments: "Now, Andy, take it right down. More you look at it, worse you'll like it."

Things saying more Fed. a great change

None of the measures of 1866 accorded black men the right to vote. The Fourteenth Amendment finessed that issue by leaving suffrage qualifications to be determined by the states but providing that if a state deprived any group of men of the franchise, it would lose some of its representatives in Congress. (The penalty did not apply, however, if the state denied men the right to vote.) The Fourteenth Amendment was a moderate effort at a creation of the Radicals. Rather than forging a "perfect the ruins of slavery by purging American institutions of rights," Stevens told the House on the eve of its passage, "I be obliged to be content with patching up the worst portions of our edifice, and leaving it, in many of its parts, to be swept by the storms of despotism." Nonetheless, Stevens said, he would passage. Why? "Because I live among men and not among

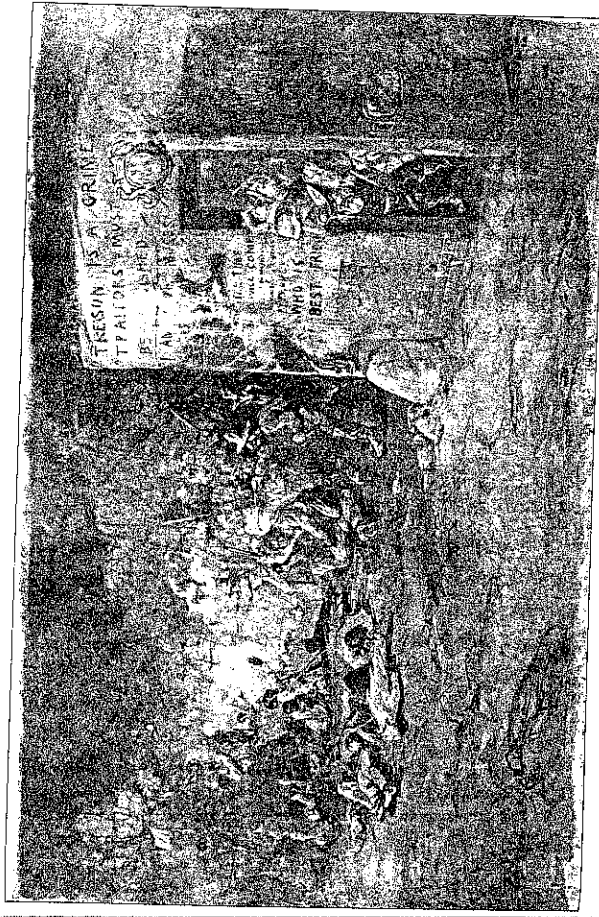
men realized that whatever their limitations, the Civil Rights Act of 1866 embodied a profound change in the federal system and the nature of American citizenship. The abolitionist doctrine of equal citizenship as a birthright had now been written into the Constitution. The principle of equality before the law, moreover, did not apply only to the South or to blacks. Like the Civil Rights Act, the Fourteenth Amendment invalidated many northern laws that discriminated on the basis of race. And, as one congressman noted, it affected the rights of "the millions of people of foreign birth who will flock to our shores."

With the passage of the Fourteenth Amendment, the Republican majority in Congress prepared to do battle with the president. Already thoroughly alienated from the Republican Party, Johnson found his position further weakened by incidents of violence in the South. In May, an altercation that began when two horse-drawn hacks, one driven by a white man, the other by a black, collided on a Memphis street, escalated into three days of racial violence. White mobs, aided and abetted by the city police, assaulted blacks on the streets and invaded their neighborhoods. By the time order had been restored, at least forty-eight persons, nearly all of them black, had been killed and hundreds of dwellings, schools, and churches looted or destroyed.

Three months later, another violent outbreak took place in New Orleans. Governor James M. Wells, a Johnson appointee, had become more and more alarmed at ex-Confederate control of the Louisiana legislature and local government in New Orleans. He decided to reconvene the Constitutional Convention of 1864, which had recessed but never adjourned, in order to press for black suffrage. On July 20, 1866, when the gathering was set to assemble, a white mob led by local police descended on

a march of several hundred black supporters of the convention. In the melee that followed, some thirty-eight persons were killed and 146 wounded, mostly blacks. After investigating the affair, General Philip H. Sheridan called it "an absolute massacre." The New Orleans riot did more than any other single event to arouse northern public opinion against the president. The role of the city police in contributing to the violence rather than restoring order suggested that the southern governments of Presidential Reconstruction were unwilling or unable to protect the basic rights of citizens.

The events of 1866 also roused white southern Unionists to political action. Some broke with their region's racial heritage to support black suffrage. A small minority in most states, whites who had supported the Union cause during the war were numerous enough in areas such as the hill country of North Carolina, Georgia, Tennessee, and Arkansas to have hoped that Reconstruction would place them in power. Johnson's policies had dealt a severe blow to this ambition. During 1866, more and more southern Unionists gravitated to the congressional side in the Reconstruction debate. They pressed for Congress to bar leading Confederates from power, sometimes urging the wholesale disenfranchisement of "rebels."



A panoramic painting by Thomas Nast shows Andrew Johnson indifferent to the murder of freedpeople during the July 1866 New Orleans riot.

Dunning School of Reconstruction



A satirical report on New Yorkers' reactions to President Johnson's visit to the city during his fall 1866 campaign tour

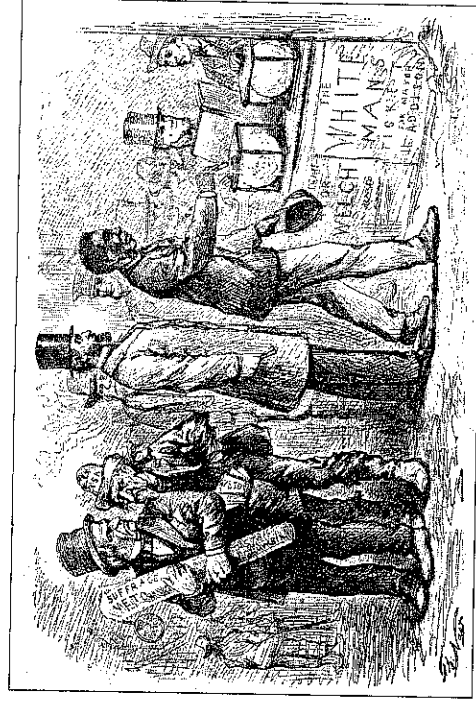
Some, reluctantly, began to embrace the idea of black suffrage, if only to oust ex-Confederates from power. William G. Brownlow—the “fighting parson” of the East Tennessee mountains who had been elected as the state’s governor in 1865 after Johnson, then military governor, had barred supporters of the Confederacy from the polls—said “one more law” was needed to complete Reconstruction, “a law enfranchising the negroes . . . to weigh down the balance against rebeldom.” The growing outspokenness of southern Unionists helped to persuade Congress that the possibility existed of creating a biracial Republican Party in the South.

The Fourteenth Amendment became the central issue in the Congressional elections of 1866. In the fall, the president broke with tradition by embarking on a speaking trip across the North, the “swing around the circle,” intended to drum up support for candidates who supported his Reconstruction policies and opposed ratification of the Fourteenth Amendment. The tour was a political disaster. Johnson could not refrain from responding in kind to hecklers and launching tirades against his congressional opponents. On one occasion, he intimated that divine intervention had removed Lincoln and elevated *him*, Johnson, to the White House. In St. Louis, he compared himself to Jesus Christ, with Thaddeus Stevens as his Judas. The spectacle further destroyed his credibility and contributed to a sweeping Republican victory in the fall elections. But the main cause of the outcome was popular disaffection from Presidential Reconstruction and the widespread conviction that further steps had to be taken to protect the rights of the former slaves and place the South under the control of men

genuinely “loyal” to the Union. Despite the results, however, and egged on by Johnson and the northern Democratic press, all the southern states except Tennessee refused to ratify the Fourteenth Amendment.

Once again, the intransigence of Johnson and the white South played into the Radicals’ hands. When Congress reassembled in December 1866, Republicans set out to fashion a completely new plan of Reconstruction. They ignored Johnson. The president, declared the *New York Herald*, previously his supporter, “forgets that we have passed through the fiery ordeal of a mighty revolution, and that the pre-existing order of things is gone and can return no more.” Numerous proposals circulated in Congress—reducing the southern states to territories, disenfranchising former Confederates, confiscating property, impeaching the president.

After much debate, Republicans coalesced around a new Reconstruction Act, passed over Johnson’s veto early in March 1867. The act rested on the premise that lawful governments did not exist in the South, and that Congress could govern the region until acceptable ones had been established. It turned the political clock back to “the point where Grant left off the work, at Appomattox Court House,” declared one member of Congress. The Reconstruction Act temporarily divided the South into five military districts and outlined how new governments, based on male suffrage (with the exception of leading Confederate officials, who could not vote in forthcoming elections), would be established. The southern states must



As this March 1867 cartoon shows, with his veto of the Reconstruction Act overridden by Congress, President Johnson and his southern allies angrily watch African Americans vote.

ratify the Fourteenth Amendment and adopt new constitutions embodying the principle of manhood suffrage without regard to race. Interracial democracy, the dream of abolitionists, Radical Republicans, and the former slaves, had finally come to the South. Thus began the period of Radical or congressional Reconstruction, which lasted until the fall of the last southern Republican governments in 1877.

The laws and amendments of Reconstruction reflected the intersection of two products of the Civil War era—a newly empowered national state and the idea of a national citizenry enjoying equality before the law. Rather than a threat to liberty, the federal government, declared Charles Sumner, had become “the custodian of freedom.” What Republican leader Carl Schurz called “the great Constitutional revolution” of Reconstruction transformed the federal system, and with it, the language of rights so central to American political culture. Before the Civil War, disenfranchised groups were far more likely to draw inspiration from the Declaration of Independence than the Constitution. (The only mention of equality in the original Constitution, after all, had occurred in the clause granting each state an equal number of senators.) But the rewriting of the Constitution during Reconstruction suggested that the rights of individual citizens were intimately connected in federal power.

The Bill of Rights had linked civil liberties and the autonomy of the states. Its language—“Congress shall make no law”—reflected the belief that concentrated power represented a threat to freedom. The three Reconstruction amendments assumed that individual rights required political power to enforce them. They not only authorized the federal government to override state actions that deprived citizens of equality, but each ended with a clause empowering Congress to “enforce” the amendment with “appropriate legislation.” Thus began the process—which continues to this day—by which the states have, little by little, been required to abide by the protections of civil liberties inscribed in the Bill of Rights. The Reconstruction amendments transformed the Constitution from a document concerned primarily with federal-state relations and the rights of property into a vehicle through which members of vulnerable minorities could stake a claim to substantive freedom and seek protection against misconduct by all levels of government.

It is tempting to view the expansion of citizens’ rights during Reconstruction as the logical fulfillment of a vision originally articulated by the founding fathers. Yet, boundaries of exclusion—essentially, limiting the privileges of citizenship to white men—had long been intrinsic to the practice of American democracy. Reconstruction represented less a fulfillment of the Revolution’s principles than a radical repudiation of the nation’s

actual practice of the previous seven decades. Racism, federalism, and belief in limited government and local autonomy—Reconstruction challenged these deeply rooted elements of nineteenth-century political culture. Only in an unparalleled crisis could they have been superseded, even temporarily, by the vision of an egalitarian republic embracing black Americans as well as white, and presided over by a powerful and beneficent federal government. Indeed, it was precisely because of their radicalism that the era’s laws and constitutional amendments roused such bitter opposition. The underlying principles—that the federal government possessed the power to define and protect citizens’ rights, and that blacks were equal members of the body politic—represented striking departures in American law. It is not difficult to understand why President Johnson, in one of his veto messages, claimed that federal protection of blacks’ civil rights, together with the broad conception of national power that lay behind it, violated “all our experience as a people.”

That the United States was a “white man’s government” had been an article of political faith before the Civil War. “We are not of the same race,” insisted Senator Thomas Hendricks of Indiana during congressional debates over Reconstruction. “We are so different that we ought not to compose one political community.” Reconstruction Republicans rejected this reasoning, but their universalism, too, had its limits. In his remarkable “Composite Nation” speech of 1869, Frederick Douglass condemned prejudice against immigrants from China, insisting that America’s destiny was to transcend race by serving as an asylum for people “gathered here from all corners of the globe by a common aspiration for national liberty.” Any form of exclusion, he continued, contradicted the essence of democracy. A year later, Charles Sumner moved to strike the word *white* from naturalization requirements. Senators from the western states objected vociferously. They were willing to admit blacks to citizenship, but not persons of Asian origin. At their insistence, the naturalization law was amended to add Africans to the “whites” already eligible to obtain citizenship when migrating from abroad. The ban on Asians remained intact; the racial boundaries of nationality had been redrawn, but not eliminated. The juxtaposition of the Fourteenth Amendment and the 1870 naturalization law created a strange anomaly: Asian immigrants remained ineligible for citizenship, but their native-born children automatically became Americans.

Advocates of women’s rights likewise encountered the limits of Reconstruction’s egalitarianism. “The contest with the South that destroyed slavery,” wrote the Pennsylvania lawyer Sidney George Fisher in his diary, “has caused an immense increase to the popular passion for liberty and equality.” Women joined in the era’s intense focus on equal rights. The

movement for women's suffrage, which had more or less suspended operations during the war to join in the fight for Union and abolition, saw Reconstruction as a golden opportunity to claim for women their own emancipation. Antebellum rhetoric equating the condition of women with slavery took on new value as a vocabulary of protest. No less than blacks, proclaimed Elizabeth Cady Stanton—who had organized the Seneca Falls Convention to demand equal rights for women two decades earlier—women had arrived at a “transition period, from slavery to freedom.” The rewriting of the Constitution, declared suffrage leader Olympia Brown, offered the opportunity to sever the blessings of freedom from race and sex—two “accidents of the body” that did not deserve legal recognition—and to “bury the black man and the woman in the citizen.” Women should now enjoy not only the right to vote, but also the economic opportunities of free labor. The Civil War had propelled many women into the wage labor force and left many others without a male provider, adding increased urgency to the argument that the right to work outside the home was essential to women's freedom. Women, wrote Susan B. Anthony, desired an “honorable independence” no less fully than men, and working for wages was no more “degrading” to one sex than the other.

At feminism's most radical edge, emancipation inspired demands for the liberation of women from the “slavery” of marriage. The same “law of equality that has revolutionized the state,” declared Stanton, was “knocking at the door of our homes.” Property in slaves had been abolished, but “the right of property in women” remained intact (since by law, marriage deprived women of their independent legal identities). If “unpaid” labor had become illegitimate on southern plantations, how could it be justified within free households? In Stanton's writings and speeches, demands for liberalizing divorce laws (which generally required evidence of adultery, desertion, or extreme abuse to terminate a marriage) and recognizing “woman's control over her own body” (including protection against domestic violence and what later generations would call birth control) moved to the center of feminist concerns. These questions, she found, struck a “deeper chord” among her female audience than the right to vote. “Women respond to my divorce speech as they never did to suffrage,” Stanton said. “Oh! How they flock to me with their sorrows.” Susan B. Anthony, who remained unmarried her entire life, believed “an epoch of single women” was fast approaching: “the woman who will *not be ruled* must live without marriage.”

In the end, talk of liberating women from the bonds of matrimony found few sympathetic listeners. Former slaves, as noted earlier, rushed to inscribe their marital status in law, and congressional Republicans saw

emancipation as restoring to blacks the natural right to family life, in which men would take their place as heads of the household and women theirs in the domestic sphere from which slavery had unnaturally excluded them. Several members of Congress explicitly rejected the idea that the Thirteenth Amendment's prohibition of “involuntary servitude” applied to relations within the family. “A husband has a right of property in the service of his wife,” said one, which the abolition of slavery was not intended to destroy. Along with the right to “personal liberty,” declared Republican John Kasson of Iowa, the male-headed family, embodying the “right of a husband to his wife” and of a “father to his child,” comprised the “three great fundamental natural rights of human society.”

When it came to the suffrage, few in Congress, even among Radical Republicans, responded sympathetically to feminists' demands. Reconstruction, they insisted, was the “Negro's hour” (the hour, that is, of the black male). “The removal of the political disabilities of race is my first desire, of sex my second,” declared abolitionist Gerrit Smith. But, he claimed, pressing the latter demand would torpedo the former: “If put on the same level and urged in the same connection, neither will be soon accomplished.” Therefore, Smith concluded, votes for women would have to wait. Even Charles Sumner, the Senate's most uncompromising egalitarian, feminist Francis Gage lamented, fell “far short of the great idea of liberty,” so far as the rights of women were concerned.

The passage of the Fourteenth Amendment, which introduced the word *male* into the Constitution in its clause allowing states to disenfranchise women without political penalty, and of the Fifteenth, outlawing discrimination in voting based on race but not gender, produced a bitter split in feminist circles. Some leaders, such as Stanton and Anthony, denounced their erstwhile abolitionist allies and moved to sever the women's rights movement from its earlier moorings in antislavery egalitarianism. Woman, wrote Stanton, “must not put her trust in man” in seeking her own rights. In search of a new constituency outside antislavery circles, Stanton began to speak of limiting the suffrage not on the basis of gender, but by “intelligence and education,” so that ignorant blacks and immigrants would not be making laws for the daughters of the native-born middle class. Other veterans of the struggle, such as abolitionist-feminist Abby Kelley, insisted that despite their limitations, the constitutional amendments were steps in the direction of truly universal suffrage and should be supported as such. The result was the creation of two bitterly divided national women's rights organizations. They would not reunite until the 1890s.

Despite its limitations, the Reconstruction Act of 1867 was indeed a radical departure in American history. A variety of motives, some

