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RECONSTRUCTION: AN UNFINISHED REVOLUTION, 1865–1877

CHAPTER OUTLINE

• Wartime Reconstruction • The Meanings of Freedom • Johnson's Reconstruction Plan • The Congressional Reconstruction Plan • Politics and Reconstruction in the South • Retreat from Reconstruction • *LINKS TO THE WORLD* The "Back to Africa" Movement • Summary

WARTIME RECONSTRUCTION

Civil wars leave immense challenges of healing, justice, and physical rebuilding. Anticipating that process, reconstruction of the Union was an issue as early as 1863, well before the war ended. Many key questions loomed on the horizon when and if the North succeeded on the battlefield: How would the nation be restored? How would southern states and leaders be treated—as errant brothers or as traitors? How would a devastated southern economy be revived? What was the constitutional basis for readmission of states to the Union, and where, if anywhere, could American statesmen look for precedence or guidance? More specifically, four vexing problems compelled early thinking and would haunt the Reconstruction era throughout. One, who would rule in the South once it was defeated? Two, who would rule in the federal government—Congress or the president? Three, what were the dimensions of black freedom, and what rights under law would the freedmen enjoy? And four, would Reconstruction be a preservation of the old republic or a second Revolution, a reinvention of a new republic?

Lincoln's 10 Percent Plan

Abraham Lincoln had never been antisouthern, though he had become the leader of an antislavery war. He lost three brothers-in-law, killed in the war on the Confederate side.

His worst fear was that the war would collapse at the end into guerrilla warfare across the South, with surviving bands of Confederates carrying on resistance.

CHRONOLOGY

- 1865** Johnson begins rapid and lenient Reconstruction
White southern governments pass restrictive black codes
Congress refuses to seat southern representatives
Thirteenth Amendment ratified, abolishing slavery
- 1866** Congress passes Civil Rights Act and renewal of Freedmen's Bureau over Johnson's veto
Congress approves Fourteenth Amendment
In *Ex parte Milligan*, the Supreme Court reasserts its influence
- 1867** Congress passes First Reconstruction Act and Tenure of Office Act
Constitutional conventions called in southern states
- 1868** House impeaches and Senate acquits Johnson
Most southern states readmitted to Union under Radical plan
Fourteenth Amendment ratified
Grant elected president
- 1869** Congress approves Fifteenth Amendment (ratified in 1870)
Sharecropping takes hold across a cash-poor southern economy
- 1871** Congress passes second Enforcement Act and Ku Klux Klan Act
Treaty with England settles *Alabama* claims
- 1872** Amnesty Act frees almost all remaining Confederates from restrictions on holding office
Grant reelected
- 1873** Slaughter-House cases limit power of Fourteenth Amendment
Panic of 1873 leads to widespread unemployment and labor strife
- 1874** Democrats win majority in House of Representatives
- 1875** Several Grant appointees indicted for corruption
Congress passes weak Civil Rights Act
Democratic Party increases control of southern states with white supremacy campaigns
- 1876** *U.S. v. Cruikshank* further weakens Fourteenth Amendment
Presidential election disputed
- 1877** Congress elects Hayes president

Lincoln insisted that his generals give lenient terms to southern soldiers once they surrendered. In his Second Inaugural Address, delivered only a month before his assassination, Lincoln promised "malice toward none; with charity for all," as Americans strove to "bind up the nation's wounds."

Lincoln planned early for a swift and moderate Reconstruction process. In his "Proclamation of Amnesty and Reconstruction," issued in December 1863, he

proposed to replace majority rule with “loyal rule” as a means of reconstructing southern state governments. He proposed pardons to all ex-Confederates except the highest-ranking military and civilian officers. Then, as soon as 10 percent of the voting population in the 1860 general election in a given state had taken an oath to the United States and established a government, the new state would be recognized. Lincoln did not consult Congress in these plans, and “loyal” assemblies (known as “Lincoln governments”) were created in Louisiana, Tennessee, and Arkansas in 1864, states largely occupied by Union troops. These governments were weak and dependent on northern armies for survival.

Congress and the Wade-Davis Bill

Congress responded with great hostility to Lincoln’s moves to readmit southern states in what seemed such a premature manner. Many Radical Republicans, strong proponents of emancipation and of aggressive prosecution of the war against the South, considered the 10 percent plan a “mere mockery” of democracy. Led by Thaddeus Stevens of Pennsylvania in the House and Charles Sumner of Massachusetts in the Senate, congressional Republicans locked horns with Lincoln and proposed a longer and harsher approach to Reconstruction. Stevens advocated a “conquered provinces” theory, arguing that southerners had organized as a foreign nation to make war on the United States and, by secession, had destroyed their status as states. They therefore must be treated as “conquered foreign lands” and returned to the status of “unorganized territories” before any process of readmission could be entertained by Congress.

In July 1864, the Wade-Davis bill, named for its sponsors, Senator Benjamin Wade of Ohio and Congressman Henry W. Davis of Maryland, emerged from Congress with three specific conditions for southern readmission.

1. It demanded a “majority” of white male citizens participate in the creation of a new government.
2. To vote or be a delegate to constitutional conventions, men had to take an “iron-clad” oath (declaring that they had never aided the Confederate war effort).
3. All officers above the rank of lieutenant and all civil officials in the Confederacy would be disfranchised and deemed “not a citizen of the United States.”

The Confederate states were to be defined as “conquered enemies,” said Davis, and the process of readmission was to be harsh and slow. Lincoln, ever the adroit politician, pocket-vetoed the bill and issued a conciliatory proclamation of his own, announcing that he would not be inflexibly committed to any “one plan” of Reconstruction.

This exchange came during Grant’s bloody campaign against Lee in Virginia, when the outcome of the war and Lincoln’s reelection were still in doubt. On August 5, Radical Republicans issued the “Wade-Davis Manifesto” to newspapers. An unprecedented attack on a sitting president by members of his own party, it accused Lincoln of usurpation of presidential powers and disgraceful leniency toward an eventually conquered South. What emerged in 1864–1865 was a clear debate and a potential constitutional crisis. Lincoln saw Reconstruction as a means of weakening the Confederacy and winning the war; the Radicals saw it as a longer-term transformation of the political and racial order of the country.

Thirteenth Amendment

In early 1865, Congress and Lincoln joined in two important measures that recognized slavery's centrality to the war. On January 31, with strong administration backing, Congress passed the Thirteenth Amendment, which had two provisions: first, it abolished involuntary servitude everywhere in the United States; second, it declared that Congress shall have the power to enforce this outcome by "appropriate legislation." When the measure passed by 119 to 56, a mere 2 votes more than the necessary two-thirds, rejoicing broke out in Congress. A Republican recorded in his diary, "Members joined in the shouting and kept it up for some minutes. Some embraced one another, others wept like children. I have felt ever since the vote, as if I were in a new country."

But the Thirteenth Amendment had emerged from a long congressional debate and considerable petitioning and public advocacy. One of the first and most remarkable petitions for a constitutional amendment abolishing slavery was submitted early in 1864 by Elizabeth Cady Stanton, Susan B. Anthony, and the Women's Loyal National League. Women throughout the Union accumulated thousands of signatures, even venturing into staunchly pro-Confederate regions of Kentucky and Missouri to secure supporters. It was a long road from the Emancipation Proclamation to the Thirteenth Amendment—through treacherous constitutional theory about individual "property rights," a bedrock of belief that the sacred document ought never to be altered, and partisan politics. But the logic of winning the war by crushing slavery, and of securing a new beginning under law for the nation that so many had died to save, won the day. This story gained wide attention from the 2012 movie, *Lincoln*, directed by Steven Spielberg.

Freedmen's Bureau

Potentially as significant, on March 3, 1865, Congress created the Bureau of Refugees, Freedmen, and Abandoned Lands—the Freedmen's Bureau, an unprecedented agency of social uplift necessitated by the ravages of the war. Americans had never engaged in federal aid to citizens on such a scale. With thousands of refugees, white and black, displaced in the South, the government continued what private freedmen's aid societies had started as early as 1862. In the mere four years of its existence, the Freedmen's Bureau supplied food and medical services, built several thousand schools and some colleges, negotiated several hundred thousand employment contracts between freedmen and their former masters, and tried to manage confiscated land.

The Bureau would be a controversial aspect of Reconstruction—within the South, where whites generally hated it, and within the federal government, where politicians divided over its constitutionality. Some bureau agents were devoted to freedmen's rights, whereas others were opportunists who exploited the chaos of the postwar South. The war had forced into the open an eternal question of republics: what are the social welfare obligations of the state toward its people, and what do people owe their governments in return? Apart from their conquest and displacement of the eastern Indians, Americans were relatively inexperienced at the Freedmen's Bureau's task—social reform through military occupation. They were also unaccustomed to the sheer reality that *government* possessed the only resources and institutions capable of confronting the social and economic chaos wrought by the war.

Ruins and Enmity

In 1865, due to the devastation of the war, America was now a land with ruins. Like the countries of Europe, it now seemed an older, more historic landscape. It had torn itself asunder—physically, politically, spiritually. Some of its cities lay in rubble, large stretches of the southern countryside were depopulated and defoliated, and thousands of people, white and black, were refugees. Some of this would in time seem romantic to northern travelers in the postwar South.

Thousands of yeoman farmer-soldiers, some paroled by surrenders, walked home too late in the season to plant a crop in a collapsed economy. Many white refugees faced genuine starvation. Of the approximately 18,300,000 rations distributed across the South in the first three years of the Freedmen's Bureau, 5,230,000 went to whites. In early 1866, in a proud agricultural society, the legislature of South Carolina issued \$300,000 in state bonds to purchase corn for the destitute.

In October 1865, just after a five-month imprisonment in Boston, former Confederate vice president Alexander H. Stephens rode a slow train southward. In Virginia he found "the desolation of the country ... was horrible to behold." When Stephens reached northern Georgia, his native state, his shock ran over: "War has left a terrible impression.... Fences gone, fields all a-waste, houses burnt." A northern journalist visiting Richmond that same fall observed a city "mourning for her sins ... in dust and ashes." The "burnt district" was a "bed of cinders ... broken and blackened walls, impassable streets deluged with debris." Above all, every northern traveler encountered a wall of hatred among white southerners for their conquerors. An innkeeper in North Carolina told a journalist that Yankees had killed his sons in the war, burned his house, and stolen his slaves. "They left me one inestimable privilege," he said, "to hate 'em. I git up at half-past four in the morning, and sit up 'til twelve at night, to hate 'em."

THE MEANINGS OF FREEDOM

Black southerners entered into life after slavery with hope and circumspection. A Texas man recalled his father telling him, even before the war was over, "Our forever was going to be spent living among the Southerners, after they got licked." Freed men and women tried to gain as much as they could from their new circumstances. Often the changes they valued the most were personal—alterations in location, employer, or living arrangements.

The Feel of Freedom

For America's former slaves, Reconstruction had one paramount meaning: a chance to explore freedom. A southern white woman admitted in her diary that the black people "showed a natural and exultant joy at being free." Former slaves remembered singing far into the night after federal troops, who confirmed rumors of their emancipation, reached their plantations. The slaves on a Texas plantation shouted for joy, their leader proclaiming, "We is free—no more whippings and beatings." A few people gave in to the natural desire to do what had been impossible before. One angry grandmother dropped her hoe and ran to confront her mistress. "I'm free!" she yelled. "Yes, I'm free! Ain't got to work for you no more! You can't put me in your pocket now!" Another man recalled that he and others "started on the move," either to search for family members or just to exercise the human right of mobility.

Many freed men and women reacted more cautiously and shrewdly, taking care to test the boundaries of their new condition. "After the war was over," explained one man, "we was afraid to move. Just like terrapins or turtles after emancipation. Just stick our heads out to see how the land lay." As slaves, they had learned to expect hostility from white people, and they did not presume it would instantly disappear. Life in freedom might still be a matter of what was possible, not what was right. Many freedpeople evaluated potential employers with shrewd caution. "Most all the Negroes that had good owners stayed with 'em, but the others left. Some of 'em come back and some didn't," explained one man. After considerable wandering in search of better circumstances, a majority of blacks eventually settled as agricultural workers back on their former farms or plantations. But they relocated their houses and did their utmost to control the conditions of their labor.

Reunion of African American Families

Throughout the South, former slaves devoted themselves to reuniting their families, separated during slavery by sale or hardship, and during the war by dislocation and the emancipation process. With only shreds of information to guide them, thousands of freedpeople embarked on odysseys in search of a husband, wife, child, or parent. By relying on the black community for help and information, and by placing ads that continued to appear in black newspapers well into the 1880s, some succeeded in their quest, while others searched in vain.

Husbands and wives who had belonged to different masters established homes together for the first time, and, as they had tried under slavery, parents asserted the right to raise their own children. A mother bristled when her old master claimed a right to whip her children. She informed him that "he warn't goin' to brush none of her chilluns no more." The freed men and women were too much at risk to act recklessly, but, as one man put it, they were tired of punishment and "sure didn't take no more foolishment off of white folks."

Blacks' Search for Independence

Many black people wanted to minimize contact with whites because, as Reverend Garrison Frazier told General Sherman in January 1865, "There is a prejudice against us ... that will take years to get over." To avoid contact with overbearing whites who were used to supervising them, blacks abandoned the slave quarters and fanned out to distant corners of the land they worked. "After the war my stepfather come," recalled Annie Young, "and got my mother and we moved out in the piney woods." Others described moving "across the creek" or building a "saplin house ... back in the woods." Some rural dwellers established small, all-black settlements that still exist along the back roads of the South.

Even once-privileged slaves desired such independence and social separation. One man turned down his master's offer of the overseer's house and moved instead to a shack in "Freetown." He also declined to let the former owner grind his grain for free because it "make him feel like a free man to pay for things just like anyone else."

Freedpeople's Desire for Land

In addition to a fair employer, what freed men and women most wanted was the ownership of land. Land represented self-sufficiency and a chance to gain compensation for generations of bondage. General Sherman's special Field Order Number 15, issued in

February 1865, set aside 400,000 acres of land in the Sea Islands region for the exclusive settlement of freedpeople. Hope swelled among ex-slaves as forty-acre plots, mules, and "possessary titles" were promised to them. But President Johnson ordered them removed in October and the land returned to its original owners under army enforcement. A northern observer noted that slaves freed in the Sea Islands of South Carolina and Georgia made "plain, straight-forward" inquiries as they settled on new land. They wanted to be sure the land "would be theirs after they had improved it." Everywhere, blacks young and old thirsted for homes of their own.

But most members of both political parties opposed genuine land redistribution to the freedmen. Even northern reformers who had administered the Sea Islands during the war showed little sympathy for black aspirations. The former Sea Island slaves wanted to establish small, self-sufficient farms. Northern soldiers, officials, and missionaries of both races brought education and aid to the freedmen but also insisted that they grow cotton for the competitive market.

"The Yankees preach nothing but cotton, cotton!" complained one Sea Island black. "We wants land," wrote another, but tax officials "make the lots too big, and cut we out." Indeed, the U.S. government eventually sold thousands of acres in the Sea Islands, 90 percent of which went to wealthy investors from the North. At a protest against evictions from a contraband camp in Virginia in 1866, freedman Bayley Wyatt made black desires and claims clear: "We has a right to the land where we are located. For why? I tell you. Our wives, our children, our husbands, has been sold over and over again to purchase the lands we now locates upon; for that reason we have a divine right to the land."

Black Embrace of Education

Ex-slaves everywhere reached out for education. Blacks of all ages hungered for the knowledge in books that had been permitted only to whites. With freedom, they started schools and filled classrooms both day and night. On log seats and dirt floors, freed men and women studied their letters in old almanacs and in discarded dictionaries. Young children brought infants to school with them, and adults attended at night or after "the crops were laid by." Many a teacher had "to make herself heard over three other classes reciting in concert" in a small room. The desire to escape slavery's ignorance was so great that, despite their poverty, many blacks paid tuition, typically \$1 or \$1.50 a month. These small amounts constituted major portions of a person's agricultural wages and added up to more than \$1 million by 1870.

The federal government and northern reformers of both races assisted this pursuit of education. In its brief life, the Freedmen's Bureau founded over four thousand schools, and idealistic men and women from the North established others funded by private philanthropy. The Yankee schoolmarm—dedicated, selfless, and religious—became an agent of progress in many southern communities. Thus did African Americans seek a break from their past through learning. More than 600,000 were enrolled in elementary school by 1877.

Blacks and their white allies also saw the need for colleges and universities. The American Missionary Association founded seven colleges, including Fisk University and Atlanta University, between 1866 and 1869. The Freedmen's Bureau helped to establish Howard University in Washington, D.C., and northern religious groups, such as the Methodists, Baptists, and Congregationalists, supported dozens of seminaries and teachers' colleges.

African Americans of all ages eagerly pursued the opportunity to gain an education in freedom. This young woman in Mt. Meigs, Alabama, is helping her mother learn to read.



Smithsonian Institution, photo by Rudolf Eickemeyer

During Reconstruction, African American leaders often were highly educated individuals; many were from the prewar elite of free people of color. Francis Cardozo, who held various offices in South Carolina, had attended universities in Scotland and England. P. B. S. Pinchback, who became lieutenant governor of Louisiana, was the son of a planter who had sent him to school in Cincinnati. Both of the two black senators from Mississippi, Blanche K. Bruce and Hiram Revels, possessed privileged educations. Bruce was the son of a planter who had provided tutoring at home; Revels was the son of free North Carolina blacks who had sent him to Knox College in Illinois.

Growth of Black Churches

Freed from the restrictions and regulations of slavery, blacks could build their own institutions as they saw fit. The secret churches of slavery came into the open; in countless communities throughout the South, ex-slaves “started a brush arbor.” A brush arbor was merely “a sort of ... shelter with leaves for a roof,” but the freed men and women worshipped in it enthusiastically. “Preachin’ and shouting sometimes lasted all day,” they recalled, for the opportunity to worship together freely meant “glorious times.”

Within a few years, independent branches of the Methodist and Baptist denominations had attracted the great majority of black Christians in the South. By 1877, in South Carolina alone, the African Methodist Episcopal (A.M.E.) Church had a thousand ministers, forty-four thousand members, and its own school of theology, while the A.M.E. Zion Church had forty-five thousand members. In the rapid growth of churches, some of which became the wealthiest and most autonomous institutions in black life, the freedpeople demonstrated their most secure claim on freedom and created enduring communities.

Rise of the Sharecropping System

The desire to gain as much independence as possible also shaped the former slaves' economic arrangements. Since most of them lacked money to buy land, they preferred the next best thing: renting the land they worked. But the South had a cash-poor economy with few sources of credit, and few whites would consider renting land to blacks. Most blacks had no means to get cash before the harvest, so other alternatives had to be tried.

Black farmers and white landowners therefore turned to sharecropping, a system in which farmers kept part of their crop and gave the rest to the landowner while living on his property. The landlord or a merchant “furnished” food and supplies, such as draft animals and seed, and he received payment from the crop. White landowners and black farmers bargained with one another; sharecroppers would hold out, or move and try to switch employers from one year to another. As the system matured during the 1870s and 1880s, most sharecroppers worked “on halves”—half for the owner and half for themselves.

The sharecropping system, which materialized as early as 1868 in parts of the South, originated as a desirable compromise between former slaves and landowners. It eased landowners' problems with cash and credit, and provided them a permanent, dependent labor force; blacks accepted it because it gave them freedom from daily supervision. Instead of working in the hated gangs under a white overseer, as in slavery, they farmed their own plots of land in family groups. But sharecropping later proved to be a disaster. Owners and merchants developed a monopoly of control over the agricultural economy, as sharecroppers found themselves riveted in ever-increasing debt.

The fundamental problem, however, was that southern farmers as a whole still concentrated on cotton. In freedom, black women often chose to stay away from the fields and cotton picking, to concentrate on domestic chores. Given the diminishing incentives of the system, they placed greater value on independent choices about gender roles and family organization than on reaching higher levels of production. The South did recover its prewar share of British cotton purchases, but cotton prices began a long decline, as world demand fell off.

Thus, southern agriculture slipped deeper and deeper into depression. Black sharecroppers struggled under a growing burden of debt that bound them to landowners and to furnishing merchants almost as oppressively as slavery had bound them to their masters. Many white farmers became debtors, too, gradually lost their land, and joined the ranks of sharecroppers. By the end of Reconstruction, over one-third of all southern farms were worked by sharecropping tenants, white and black. This economic transformation took place as the nation struggled to put its political house back in order.

JOHNSON'S RECONSTRUCTION PLAN

When Reconstruction began under President Andrew Johnson, many expected his policies to be harsh. Throughout his career in Tennessee, he had criticized the wealthy planters and championed the small farmers. When an assassin's bullet thrust Johnson into the presidency, many former slave owners shared the dismay of a North Carolina woman who wrote, “Think of Andy Johnson [as] the president! What will become of us—the aristocrats of the South' as we are termed?” Northern Radicals also had reason to believe that Johnson would deal sternly with

the South. When one of them suggested the exile or execution of ten or twelve leading rebels to set an example, Johnson replied, "How are you going to pick out so small a number? ... Treason is a crime; and crime must be punished."

Andrew Johnson of Tennessee

Like his martyred predecessor, Johnson followed a path in antebellum politics from obscurity to power. With no formal education, he became a tailor's apprentice. But from 1829, while in his early twenties, he held nearly every office in Tennessee politics: alderman, state representative, congressman, two terms as governor, and U.S. senator by 1857. Although elected as a southern Democrat, Johnson was the only senator from a seceded state who refused to follow his state out of the Union. Lincoln appointed him war governor of Tennessee in 1862; hence his symbolic place on the ticket in the president's bid for reelection in 1864.

Although a Unionist, Johnson's political beliefs made him an old Jacksonian Democrat. And as they said in the mountainous region of east Tennessee, where Johnson established a reputation as a stump speaker, "Old Andy never went back on his raisin.'" Johnson was also an ardent states' rightist. Before the war, he had supported tax-funded public schools and homestead legislation, fashioning himself as a champion of the common man. Although he vehemently opposed secession, Johnson advocated limited government. He shared none of the Radicals' expansive conception of federal power. His philosophy toward Reconstruction may be summed up in the slogan he adopted: "The Constitution as it is, and the Union as it was."

Through 1865, Johnson alone controlled Reconstruction policy, for Congress recessed shortly before he became president and did not reconvene until December. In the following eight months, Johnson formed new state governments in the South by using his power to grant pardons. He advanced Lincoln's leniency by extending even easier terms to former Confederates.

Johnson's Racial Views

Johnson had owned house slaves, although he had never been a planter. He accepted emancipation as a result of the war, but he did not favor black civil and political rights. Johnson believed that black suffrage could never be imposed on a southern state by the federal government, and that set him on a collision course with the Radicals. When it came to race, Johnson was a thoroughgoing white supremacist. He held what one politician called "unconquerable prejudices against the African race." In perhaps the most blatantly racist official statement ever delivered by an American president, Johnson declared in his annual message of 1867 that blacks possessed less "capacity for government than any other race of people. No independent government of any form has ever been successful in their hands; ... wherever they have been left to their own devices they have shown a constant tendency to relapse into barbarism."

Such racial views had an enduring effect on Johnson's policies. Where whites were concerned, however, Johnson seemed to be pursuing changes in class relations. He proposed rules that would keep the wealthy planter class at least temporarily out of power.

Johnson's Pardon Policy

White southerners were required to swear an oath of loyalty as a condition of gaining amnesty or pardon, but Johnson barred several categories of people from taking the oath: former

Combative and inflexible, President Andrew Johnson contributed greatly to the failure of his own Reconstruction program.



Library of Congress

federal officials, high-ranking Confederate officers, and political leaders or graduates of West Point or Annapolis who joined the Confederacy. To this list, Johnson added another important group: all ex-Confederates whose taxable property was worth more than \$20,000. These individuals had to apply personally to the president for pardon and restoration of their political rights. The president, it seemed, meant to take revenge on the old planter elite and thereby promote a new leadership of deserving yeomen.

Johnson appointed provisional governors, who began the Reconstruction process by calling state constitutional conventions. The delegates chosen for these conventions had to draft new constitutions that eliminated slavery and invalidated secession. After ratification of these constitutions, new governments could be elected, and the states would be restored to the Union with full congressional representation. But only those southerners who had taken the oath of amnesty and had been eligible to vote on the day the state seceded could participate in this process. Thus unpardoned whites and former slaves were not eligible.

Presidential Reconstruction

If Johnson intended to strip former aristocrats of their power, he did not hold to his plan. The old white leadership proved resilient and influential; prominent Confederates won elections and turned up in various appointive offices. Then Johnson started pardoning planters and leading rebels. He hired additional clerks to prepare the necessary documents and then began to issue pardons to large categories of people. By September 1865, hundreds were issued in a single day. These pardons, plus the rapid return of planters' abandoned lands, restored the old elite to power and quickly gave Johnson an image as the South's champion.

Why did Johnson allow the planters to regain power? He was determined to achieve a rapid Reconstruction in order to deny the Radicals any opportunity for the more thorough racial and political changes they desired in the South. And Johnson needed southern support in the 1866 elections; hence, he declared Reconstruction complete only eight months after Appomattox. Thus, in December 1865, many Confederate congressmen traveled to Washington to claim seats in the U.S. Congress. Even Alexander Stephens, vice president of the Confederacy, returned to Capitol Hill as a senator-elect from Georgia.

The election of such prominent rebels troubled many northerners. Some of the state conventions were slow to repudiate secession; others admitted only grudgingly that slavery was dead and wrote new laws to show it.

Black Codes

To define the status of freed men and women and control their labor, some legislatures merely revised large sections of the slave codes by substituting the word *freedmen* for *slaves*. The new black codes compelled former slaves to carry passes, observe a curfew, live in housing provided by a landowner, and give up hope of entering many desirable occupations. Stiff vagrancy laws and restrictive labor contracts bound freedpeople to plantations, and “anti-enticement” laws punished anyone who tried to lure these workers to other employment. State-supported schools and orphanages excluded blacks entirely.

It seemed to northerners that the South was intent on returning African Americans to servility and that Johnson’s Reconstruction policy held no one responsible for the terrible war. But memories of the war—not yet even a year over—were still raw and would dominate political behavior for several elections to come. Thus, the Republican majority in Congress decided to call a halt to the results of Johnson’s plan. On reconvening, the House and Senate considered the credentials of the newly elected southern representatives and decided not to admit them. Instead, they bluntly challenged the president’s authority and established a joint committee to study and investigate a new direction for Reconstruction.

THE CONGRESSIONAL RECONSTRUCTION PLAN

Northern congressmen were hardly unified, but they did not doubt their right to shape Reconstruction policy. The Constitution mentioned neither secession nor reunion, but it gave Congress the primary role in the admission of states. Moreover, the Constitution declared that the United States shall guarantee to each state a “republican form of government.” This provision, legislators believed, gave them the authority to devise policies for Reconstruction.

They soon faced other grave constitutional questions. What, for example, had rebellion done to the relationship between southern states and the Union? Lincoln had always believed secession impossible—the Confederate states had engaged in an “insurrection” within the Union in his view. Congressmen who favored vigorous Reconstruction measures argued that the war had broken the Union and that the South was subject to the victor’s will. Moderate congressmen held that the states had forfeited their rights through rebellion and thus had come under congressional supervision.

The Radicals

These theories mirrored the diversity of Congress itself. Northern Democrats, weakened by their opposition to the war in its final year, denounced any idea of racial equality and supported Johnson's policies. Conservative Republicans, despite their party loyalty, favored a limited federal role in Reconstruction. The Radical Republicans, led by Thaddeus Stevens, Charles Sumner, and George Julian, wanted to transform the South. Although a minority in their party, they had the advantage of clearly defined goals. They believed it was essential to democratize the South, establish public education, and ensure the rights of the freedpeople. They favored black suffrage, supported some land confiscation and redistribution, and were willing to exclude the South from the Union for several years if necessary to achieve their goals.

Born of the war and its outcome, the Radicals brought a new civic vision to American life; they wanted to create an activist federal government and the beginnings of racial equality. A large group of moderate Republicans, led by Lyman Trumbull, opposed Johnson's leniency but wanted to restrain the Radicals. Trumbull and the moderates were, however, committed to federalizing the enforcement of civil, if not political, rights for the freedmen.

One overwhelming political reality faced all four groups: the 1866 elections. Ironically, Johnson and the Democrats sabotaged the possibility of a conservative coalition. They refused to cooperate with conservative or moderate Republicans and insisted that Reconstruction was over, that the new state governments were legitimate, and that southern representatives should be admitted to Congress. Among the Republicans, the Radicals' influence grew in proportion to Johnson's intransigence and outright provocation. It is an old story in American politics: when compromise fails, more radical visions will fill the void.

Congress**Versus Johnson**

Trying to work with Johnson, Republicans believed a compromise had been reached in the spring of 1866. Under its terms, Johnson would agree to two modifications of his program: extension of the Freedmen's Bureau for another year and passage of a civil rights bill to counteract the black codes. This bill would force southern courts to practice equality under the ultimate scrutiny of the federal judiciary. Its provisions applied to public, not private, acts of discrimination. The Civil Rights Bill of 1866 was the first statutory definition of the rights of American citizens and is still on the books today.

Johnson destroyed the compromise, however, by vetoing both bills (they later became law when Congress overrode the president's veto). Denouncing any change in his program, the president condemned Congress's action and revealed his own racism. Because the civil rights bill defined U.S. citizens as native-born persons who were taxed, Johnson claimed it discriminated against "large numbers of intelligent, worthy, and patriotic foreigners ... in favor of the negro." Anticipating arguments used by modern conservatives, the bill, he said, operated "in favor of the colored and against the white race."

All hope of presidential-congressional cooperation was now dead. In 1866, newspapers reported daily violations of blacks' rights in the South and carried alarming accounts of antiblack violence—notably in Memphis and New Orleans, where police aided brutal mobs in their attacks. In Memphis, forty blacks were killed and twelve schools burned by white mobs, and in New Orleans, the toll was thirty-four African Americans dead and two hundred wounded. Such violence convinced Republicans,

and the northern public, that more needed to be done. A new Republican plan took the form of the Fourteenth Amendment to the Constitution.

Fourteenth Amendment

Of the five sections of the Fourteenth Amendment, the first would have the greatest legal significance in later years. It conferred citizenship on “all persons born or naturalized in the United States” and prohibited states from abridging their constitutional “privileges and immunities” (see the Appendix for the Constitution and all amendments). It also barred any state from taking a person’s life, liberty, or property “without due process of law” and from denying “equal protection of the laws.” These resounding phrases have become powerful guarantees of African Americans’ civil rights—indeed, of the rights of all citizens, except for Indians, who were not granted citizenship rights until 1924.

Nearly universal agreement emerged among Republicans on the amendment’s second and third sections. The fourth declared the Confederate debt null and void, and guaranteed the war debt of the United States. Northerners rejected the notion of paying taxes to reimburse those who had financed a rebellion, and business groups agreed on the necessity of upholding the credit of the U.S. government, an element of the Fourteenth Amendment that has been invoked in bitter debates between congressional Republicans and the Obama administration over raising the federal “debt ceiling” in 2011 and again in 2013. The second and third sections barred Confederate leaders from holding state and federal office. Only Congress, by a two-thirds vote of each house, could remove the penalty. The amendment thus guaranteed a degree of punishment for the leaders of the Confederacy.

The second section of the amendment also dealt with representation and embodied the compromises that produced the document. Northerners disagreed about whether blacks should have the right to vote. As a citizen of Indiana wrote to a southern relative, “[a]lthough there is a great deal [of] profession among us for the relief of the darkey yet I think much of it is far from being sincere. I guess we want to compell you to do right by them while we are not willing ourselves to do so.” Those arched words are indicative not only of how revolutionary Reconstruction had become, but also of how far the public will, North and South, lagged behind the enactments that became new constitutional cornerstones. Many northern states still maintained black disfranchisement laws during Reconstruction.

Emancipation finally ended the three-fifths clause for the purpose of counting blacks, which would increase southern representation. Thus, the postwar South stood to gain power in Congress, and if white southerners did not allow blacks to vote, former secessionists would derive the political benefit from emancipation. That was more irony than most northerners could bear. So Republicans determined that, if a southern state did not grant black men the vote, their representation would be reduced proportionally. If they did enfranchise black men, their representation would be increased proportionally. This compromise avoided a direct enactment of black suffrage but would deliver future black southern voters to the Republican Party.

The Fourteenth Amendment specified for the first time that voters were “male” and ignored female citizens, black and white. For this reason, it provoked a strong reaction from the women’s rights movement. Advocates of women’s equality had worked with abolitionists for decades, often subordinating their cause to that of the slaves. During the drafting of the Fourteenth Amendment, however, female activists demanded to be

heard. Prominent leaders, such as Elizabeth Cady Stanton and Susan B. Anthony, ended their alliance with abolitionists and fought for women, while others remained committed to the idea that it was “the Negro’s hour.” Thus, the amendment infused new life into the women’s rights movement and caused considerable strife among old allies. Many male former abolitionists, white and black, were willing to delay the day of woman suffrage in favor of securing freedmen the right to vote in the South.

The South’s and Johnson’s Defiance

In 1866, however, the major question in Reconstruction politics was how the public would respond to the congressional initiative. Johnson did his best to block the Fourteenth Amendment in both North and South. Condemning Congress for its refusal to seat southern representatives, the president urged state legislatures in the South to vote against ratification. Every southern legislature, except Tennessee’s, rejected the amendment by a wide margin.

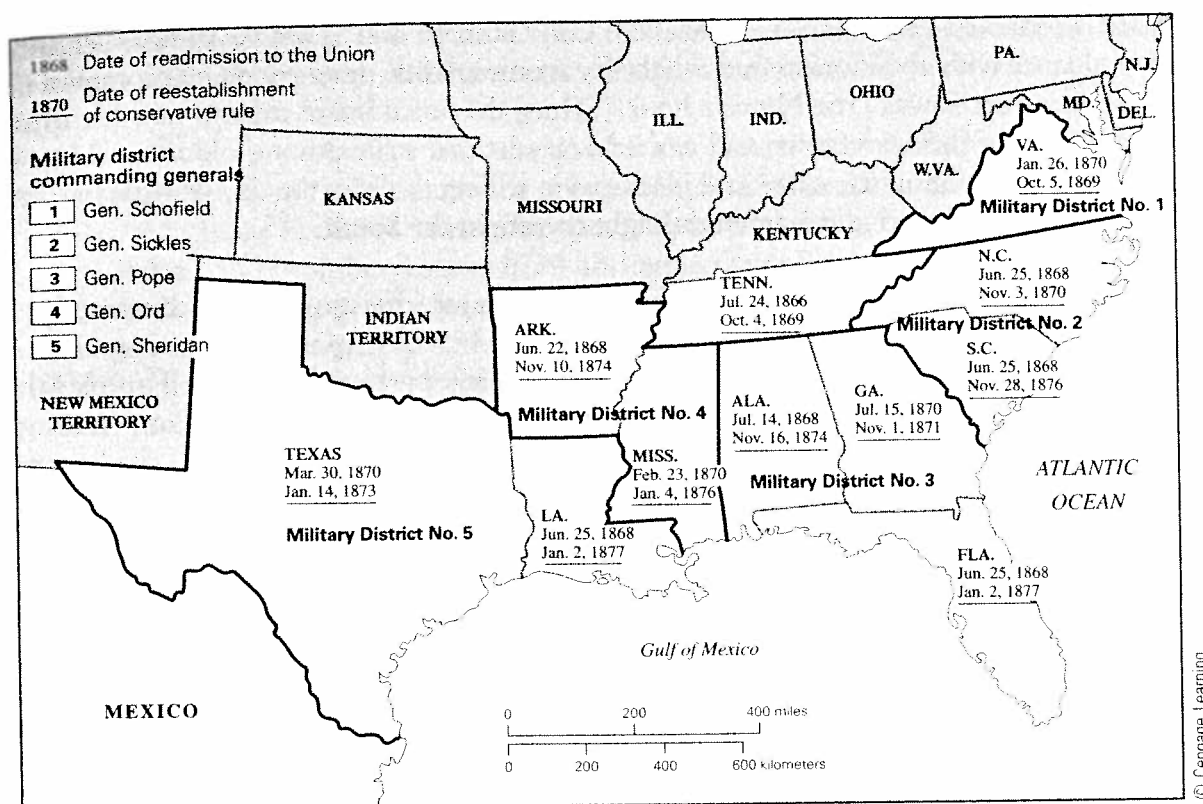
To present his case to northerners, Johnson organized a National Union Convention and took to the stump himself. In an age when active personal campaigning was rare for a president, Johnson boarded a special train for a “swing around the circle” that carried his message into the Northeast, the Midwest, and then back to Washington. In city after city, he criticized the Republicans in a ranting, undignified style. Increasingly, audiences rejected his views, hooting and jeering at him. In this whistle-stop tour, Johnson began to hand out American flags with thirty-six rather than twenty-five stars, declaring the Union already restored. At many towns, he likened himself to a “persecuted” Jesus who might now be martyred “upon the cross” for his magnanimity toward the South. And, repeatedly, he labeled the Radicals “traitors” for their efforts to take over Reconstruction.

The elections of 1866 were a resounding victory, though, for Republicans in Congress. Radicals and moderates whom Johnson had denounced won reelection by large margins, and the Republican majority grew to two-thirds of both houses of Congress. The North had spoken clearly: Johnson’s official policies of states’ rights and white supremacy were prematurely giving the advantage to rebels and traitors. Thus, Republican congressional leaders won a mandate to pursue their Reconstruction plan.

But Johnson and southern intransigence had brought the plan to an impasse. Nothing could be accomplished as long as the “Johnson governments” existed and the southern electorate remained exclusively white. Republicans resolved to form new state governments in the South and enfranchise the freedmen.

Reconstruction Acts of 1867–1868

After some embittered debate in which Republicans and the remaining Democrats in Congress argued over the meaning and memory of the Civil War itself, the First Reconstruction Act passed in March 1867. This plan, under which the southern states were actually readmitted to the Union, incorporated only a part of the Radical program. Union generals, commanding small garrisons of troops and charged with supervising elections, assumed control in five military districts in the South (see Map 14.1). Confederate leaders designated in the Fourteenth Amendment were barred from voting until new state constitutions were ratified. The act guaranteed freedmen the right to vote in elections as well as serve in state constitutional conventions and in subsequent elections. In addition, each southern state was



MAP 14.1 The Reconstruction Act of 1867

This map shows the five military districts established when Congress passed the Reconstruction Act of 1867. As the dates within each state indicate, conservative Democratic forces quickly regained control of government in four southern states. So-called Radical Reconstruction was curtailed in most of the others as factions within the weakened Republican Party began to cooperate with conservative Democrats.

required to ratify the Fourteenth Amendment, to ratify its new constitution by majority vote, and to submit it to Congress for approval (see Table 14.1).

Thus, African Americans gained an opportunity to fight for a better life through the political process, and ex-Confederates were given what they interpreted as a bitter pill to swallow in order to return to the Union. The Second, Third, and Fourth Reconstruction Acts, passed between March 1867 and March 1868, provided the details of operation for voter registration boards, the adoption of constitutions, and the administration of “good faith” oaths on the part of white southerners.

Failure of Land Redistribution

In the words of one historian, the Radicals succeeded in “clipping Johnson’s wings.” But they had hoped Congress could do much more. Thaddeus Stevens, for example, argued that economic opportunity was essential to the freedmen. “If we do not furnish them with homesteads from forfeited and rebel property,” Stevens declared, “and hedge them around with protective laws ... we had better left them in bondage.” Stevens therefore drew up a plan for extensive confiscation and redistribution of land, but it was never realized.

TABLE 14.1 | PLANS FOR RECONSTRUCTION COMPARED

	Johnson's Plan	Radicals' Plan	Fourteenth Amendment	Reconstruction Act of 1867
Voting	Whites only; high-ranking Confederate leaders must seek pardons	Give vote to black males	Southern whites may decide but can lose representation if they deny black suffrage	Black men gain vote; whites barred from office by Fourteenth Amendment cannot vote while new state governments are being formed
Office holding	Many prominent Confederates regain power	Only loyal white and black males eligible	Confederate leaders barred until Congress votes amnesty	Fourteenth Amendment in effect
Time out of Union	Brief	Several years; until South is thoroughly democratized	Brief	3–5 years after war
Other change in southern society	Little; gain of power by yeomen not realized; emancipation grudgingly accepted, but no black civil or political rights	Expand public education; confiscate land and provide farms for freedmen; expansion of activist federal government	Probably slight, depending on enforcement	Considerable, depending on action of new state governments

Racial fears among whites and an American obsession with the sanctity of private property made land redistribution unpopular. Northerners were accustomed to a limited role for government, and the business community staunchly opposed any interference with private-property rights, even for former Confederates. Thus, black farmers were forced to seek work in a hostile environment in which landowners opposed their acquisition of land.

Constitutional Crisis

Congress's quarrels with Andrew Johnson grew still worse. To restrict Johnson's influence and safeguard its plan, Congress passed a number of controversial laws. First, it limited Johnson's power over the army by requiring the president to issue military orders through the General of the Army, Ulysses S. Grant, who could not be dismissed without the Senate's consent. Then Congress passed the Tenure of Office Act, which gave the

Senate power to approve changes in the president's cabinet. Designed to protect Secretary of War Stanton, who sympathized with the Radicals, this law violated the tradition that a president controlled appointments to his own cabinet.

All of these measures, as well as each of the Reconstruction Acts, were passed by a two-thirds override of presidential vetoes. The situation led some to believe that the federal government had reached a stage of "congressional tyranny" and others to conclude that Johnson had become an obstacle to the legitimate will of the people in reconstructing the nation on a just and permanent basis.

Johnson took several belligerent steps of his own. He issued orders to military commanders in the South, limiting their powers and increasing the powers of the civil governments he had created in 1865. Then he removed military officers who were conscientiously enforcing Congress's new law, preferring commanders who allowed disqualified Confederates to vote. Finally, he tried to remove Secretary of War Stanton. With that attempt, the confrontation reached its climax.

Impeachment of President Johnson

Impeachment is a political procedure provided for in the Constitution as a remedy for crimes or serious abuses of power by presidents, federal judges, and other high government officials. Those impeached (politically indicted) in the House are then tried in the Senate. Historically, this power has generally not been used as a means to investigate and judge the private lives of presidents, although in recent times it was used in this manner in the case of President Bill Clinton.

Twice in 1867, the House Judiciary Committee had considered impeachment of Johnson, rejecting the idea once and then recommending it by only a 5-to-4 vote. That recommendation was decisively defeated by the House. After Johnson tried to remove Stanton, however, a third attempt to impeach the president carried easily in early 1868. The indictment concentrated on his violation of the Tenure of Office Act, though many modern scholars regard his efforts to obstruct enforcement of the Reconstruction Act of 1867 as a far more serious offense.

Johnson's trial in the Senate lasted more than three months. The prosecution, led by Radicals, attempted to prove that Johnson was guilty of "high crimes and misdemeanors." But they also argued that the trial was a means to judge Johnson's performance, not a judicial determination of guilt or innocence. The Senate ultimately rejected such reasoning, which could have made removal from office a political weapon against any chief executive who disagreed with Congress. Although a majority of senators voted to convict Johnson, the prosecution fell one vote short of the necessary two-thirds majority. Johnson remained in office, politically weakened and with less than a year left in his term. Some Republicans backed away from impeachment because they had their eyes on the 1868 election and did not want to hurt their prospects of regaining the White House.

Election of 1868 In the 1868 presidential election, Ulysses S. Grant, running as a Republican, defeated Horatio Seymour, a New York Democrat. Grant was not a Radical, but his platform supported congressional Reconstruction and endorsed black suffrage in the South. (Significantly, Republicans stopped short of endorsing black suffrage in the North.) The Democrats, meanwhile, vigorously denounced Reconstruction and preached white supremacy.

Indeed, in the 1868 election, the Democrats conducted the most openly racist campaign to that point in American history. Both sides waved the “bloody shirt,” accusing each other as the villains of the war’s sacrifices. By associating themselves with rebellion and with Johnson’s repudiated program, the Democrats went down to defeat in all but eight states, though the popular vote was fairly close. Participating in their first presidential election ever on a wide scale, blacks decisively voted en masse for General Grant.

In office, Grant acted as an administrator of Reconstruction but not as its enthusiastic advocate. He vacillated in his dealings with the southern states, sometimes defending Republican regimes and sometimes currying favor with Democrats. On occasion, Grant called out federal troops to stop violence or enforce acts of Congress. But he never imposed a true military occupation on the South. Rapid demobilization had reduced a federal army of more than 1 million to 57,000 within a year of the surrender at Appomattox. Thereafter, the number of troops in the South continued to fall, until in 1874 there were only 4,000 in the southern states outside Texas. The later legend of “military rule,” so important to southern claims of victimization during Reconstruction, was steeped in myth.

Fifteenth Amendment

In 1869, the Radicals pushed through the Fifteenth Amendment, the final major measure in the constitutional revolution of Reconstruction. This measure forbade states to deny the right to vote “on account of race, color, or previous condition of servitude.” Such wording did not guarantee the right to vote. It deliberately left states free to restrict suffrage on other grounds so that northern states could continue to deny suffrage to women and certain groups of men—Chinese immigrants, illiterates, and those too poor to pay poll taxes.

Although several states outside the South refused to ratify, three-fourths of the states approved the measure, and the Fifteenth Amendment became law in 1870. It, too, had been a political compromise, and though African Americans rejoiced all across the land at its enactment, it left open the possibility for states to create countless qualification tests to obstruct voting in the future.

With passage of the Fifteenth Amendment, many Americans, especially supportive northerners, considered Reconstruction essentially completed. “Let us have done with Reconstruction,” pleaded the *New York Tribune* in April 1870. “The country is tired and sick of it.... Let us have Peace!” But some northerners, like abolitionist Wendell Phillips, worried. “Our day,” he warned, “is fast slipping away. Once let public thought float off from the great issue of the war, and it will take ... more than a generation to bring it back again.”

POLITICS AND RECONSTRUCTION IN THE SOUTH

From the start, Reconstruction encountered the resistance of white southerners. In the black codes and in private attitudes, many whites stubbornly opposed emancipation, and the former planter class proved especially unbending because of its tremendous financial loss in slaves. In 1866, a Georgia newspaper frankly observed that “most of the white citizens believe that the institution of slavery was right, and ... they will believe that the condition, which comes nearest to slavery, that can now be established will be the best.” And for many poor whites who had never owned slaves

and yet had sacrificed enormously in the war, destitution, plummeting agricultural prices, disease, and the uncertainties of a growing urban industrialization drove them off land, toward cities, and into hatred of the very idea of black equality.

White Resistance

Fearing loss of control over their slaves, some planters attempted to postpone freedom by denying or misrepresenting events. Former slaves reported that their owners "didn't tell them it was freedom" or "wouldn't let [them] go." Agents of the Freedmen's Bureau reported that "the old system of slavery [is] working with even more rigor than formerly at a few miles distant from any point where U.S. troops are stationed." To hold onto their workers, some landowners claimed control over black children and used guardianship and apprentice laws to bind black families to the plantation.

Whites also blocked blacks from acquiring land. A few planters divided up plots among their slaves, but most condemned the idea of making blacks landowners. A Georgia woman whose family was known for its support of religious education for slaves was outraged that two property owners planned to "rent their lands to the Negroes!" Such action was, she declared, "injurious to the best interest of the community."

Adamant resistance by whites soon manifested itself in other ways, including violence. In one North Carolina town, a local magistrate clubbed a black man on a public street, and in several states bands of "Regulators" terrorized blacks who displayed any independence. Amid their defeat, many planters believed, as a South Carolinian put it, that blacks "can't be governed except with the whip." And after President Johnson encouraged the South to resist congressional Reconstruction, many white conservatives worked hard to capture the new state governments while others boycotted the polls in an attempt to defeat Congress's plans.

Black Voters and the Southern Republican Party

Enthusiastically and hopefully, black men voted Republican. Most agreed with one man who felt he should "stick to the end with the party that freed me." Illiteracy did not prohibit blacks (or uneducated whites) from making intelligent choices. Although Mississippi's William Henry could read only "a little," he testified that he and his friends had no difficulty selecting the Republican ballot. "We stood around and watched," he explained. "We saw D. Sledge vote; he owned half the county. We knowed he voted Democratic so we voted the other ticket so it would be Republican." Women, who could not vote, encouraged their husbands and sons, and preachers exhorted their congregations to use the franchise. Zeal for voting spread through entire black communities.

Thanks to a large black turnout and the restrictions on prominent Confederates, a new southern Republican Party came to power in the constitutional conventions of 1868–1870. Republican delegates consisted of a sizable contingent of blacks (265 out of the total of just over 1,000 delegates throughout the South), some northerners who had moved to the South, and native southern whites who favored change. The new constitutions drafted by this Republican coalition were more democratic than anything previously adopted in the history of the South. They eliminated property qualifications for voting and holding office, and they turned many appointed offices into elective posts. They provided for public schools and institutions to care for the mentally ill, the blind, the deaf, the destitute, and the orphaned.

The conventions broadened women's rights in property holding and divorce. Usually, the goal was not to make women equal with men but to provide relief to thousands of suffering debtors. In white families left poverty-stricken by the war and weighed down by debt, it was usually the husband who had contracted the debts. Thus, giving women legal control over their own property provided some protection to their families.

Triumph of Republican Governments

Under these new constitutions, the southern states elected Republican-controlled governments. For the first time, the ranks of state legislators in 1868 included black southerners.

Contrary to what white southerners would later claim, the Republican state governments did not disfranchise ex-Confederates as a group. James Lynch, a leading black politician from Mississippi, explained why African Americans shunned the “folly” of disfranchising whites. Unlike northerners who “can leave when it becomes too uncomfortable,” landless former slaves “must be in friendly relations with the great body of the whites in the state. Otherwise ... peace can be maintained only by a standing army.” Despised and lacking material or social power, southern Republicans strove for acceptance, legitimacy, and safe ways to gain a foothold in a depressed economy.

Far from being vindictive toward the race that had enslaved them, most southern blacks treated leading rebels with generosity and appealed to white southerners to adopt a spirit of fairness. In this way, the South's Republican Party condemned itself to defeat if white voters would not cooperate. Within a few years, most of the fledgling Republican parties in the southern states would be struggling for survival against violent white hostility. But for a time, some propertied whites accepted congressional Reconstruction as a reality.

Industrialization and Mill Towns

Reflecting northern ideals and southern necessity, the Reconstruction governments enthusiastically promoted industry.

Accordingly, Reconstruction legislatures encouraged investment with loans, subsidies, and short-term exemptions from taxation. The southern railroad system was rebuilt and expanded, and coal and iron mining made possible Birmingham's steel plants. Between 1860 and 1880, the number of manufacturing establishments in the South nearly doubled.

This emphasis on big business, however, produced higher state debts and taxes, drew money away from schools and other programs, and multiplied possibilities for corruption in state legislatures. The alliance between business and government took firm hold, often at the expense of the needs of common farmers and laborers. It also locked Republicans into a conservative strategy and doomed their chances with poorer whites.

Poverty remained the lot of vast numbers of southern whites. On a daily basis during the Reconstruction years, they had to subordinate politics to the struggle for livelihood. The war had caused a massive onetime loss of income-producing wealth, such as livestock, and a steep decline in land values. In many regions, the old planter class still ruled the best land and access to credit or markets.

As many poor whites and blacks found farming less tenable, they moved to cities and new mill towns. Industrialization did not sweep the South as it did the North, but it certainly laid deep roots. Attracting textile mills to southern towns

became a competitive crusade. "Next to God," shouted a North Carolina evangelist, "what this town needs is a cotton mill!" In 1860, the South counted some 10,000 mill workers; by 1880, the number grew to 16,741 and, by the end of the century, to 97,559. Thus, poor southerners began the multigenerational journey from farmer to mill worker and other forms of low-income urban wage earner.

Republicans and Racial Equality

Policies appealing to African American voters never went beyond equality before the law. In fact, the whites who controlled the southern Republican Party were reluctant to allow blacks a share of offices proportionate to their electoral strength. Aware of their weakness, black leaders did not push very far for revolutionary economic or social change. In every southern state, they led efforts to establish public schools, although they did not press for integrated facilities. In 1870, South Carolina passed the first comprehensive school law in the South. By 1875, in a major achievement for a Reconstruction government, 50 percent of black school-age children in that state were enrolled in school, and approximately one-third of the three thousand teachers were black.

Some African American politicians did fight for civil rights and integration. Many were from cities such as New Orleans or Mobile, where large populations of light-skinned free blacks had existed before the war. Their experience in such communities had made them sensitive to issues of status, and they spoke out for open and equal public accommodations. Laws requiring equal accommodations won passage, but they often went unenforced.

The vexing questions of land reform and enforcement of racial equality, however, all but overwhelmed the Republican governments. Land reform largely failed because in most states whites were in the majority, and former slave owners controlled the best land and other sources of economic power. Economic progress was uppermost in the minds of most freedpeople. Black southerners needed land, and much land did fall into state hands for nonpayment of taxes. Such land was offered for sale in small lots. But most freedmen had too little cash to bid against investors or speculators. South Carolina established a land commission, but it could help only those with money to buy. Any widespread redistribution of land had to arise from Congress, which never supported such action.

Myth of "Negro Rule"

Within a few years, white hostility to congressional Reconstruction began to dominate. Some conservatives had always wanted to fight Reconstruction through pressure and racist propaganda. They put economic and social pressure on blacks: one black Republican reported that "my neighbors will not employ me, nor sell me a farthing's worth of anything." Charging that the South had been turned over to ignorant blacks, conservatives deplored "black domination," which became a rallying cry for a return to white supremacy.

Such attacks were inflammatory propaganda and part of the growing myth of "Negro rule," which would serve as a central theme in battles over the memory of Reconstruction. African Americans participated in politics but hardly dominated or controlled events. They were a majority in only two out of ten state constitutional writing conventions (transplanted northerners were a majority in one). In

the state legislatures, only in the lower house in South Carolina did blacks ever constitute a majority. Sixteen blacks won seats in Congress before Reconstruction was over, but none was ever elected governor. Only eighteen served in a high state office, such as lieutenant governor, treasurer, superintendent of education, or secretary of state.

In all, some four hundred blacks served in political office during the Reconstruction era, a signal achievement by any standard. Although they never dominated the process, they established a rich tradition of government service and civic activism. Elected officials, such as Robert Smalls in South Carolina, labored tirelessly for cheaper land prices, better health care, access to schools, and the enforcement of civil rights for black people. For too long, the black politicians of Reconstruction were the forgotten heroes of this seedtime of America's long civil rights movement.

Carpetbaggers and Scalawags

Conservatives also assailed the allies of black Republicans. Their propaganda denounced whites from the North as “carpetbaggers,” greedy crooks planning to pour stolen tax revenues into their sturdy luggage made of carpet material. Immigrants from the North, who held the largest share of Republican offices, were all tarred with this rhetorical brush.

In fact, most northerners who settled in the South had come seeking business opportunities, as schoolteachers, or to find a warmer climate; most never entered politics. Those who did enter politics generally wanted to democratize the South and to introduce northern ways, such as industry and public education. Carpetbaggers' ideals were tested by hard times and ostracism by white southerners.

Carpetbaggers' real actions never matched the sensational stereotypes, although by the mid-1870s even some northerners who soured on Reconstruction or despaired over southern violence endorsed the images. Thomas Wentworth Higginson, a Union officer and commander of an African American regiment during the Civil War, suggested that any Yankee politician who remained in the South by 1874 was, more likely than not, a “mean man,” a “scoundrel,” and “like Shakespeare's Shylock.” And that same year, the African American editors of the *Christian Recorder* distanced themselves from carpetbaggers. The “corrupt political vampires who rob and cheat and prey upon the prejudices of our people” and “feed upon the political carcass of a prostrate state,” the paper insisted, were not black folks' allies. The white southern counterrevolutionaries seemed to be winning the propaganda war.

Conservatives also invented the term *scalawag* to discredit any native white southerner who cooperated with the Republicans. A substantial number of southerners did so, including some wealthy and prominent men. Most scalawags, however, were yeoman farmers, men from mountain areas and nonslaveholding districts who had been Unionists under the Confederacy. They saw that they could benefit from the education and opportunities promoted by Republicans. Sometimes banding together with freedmen, they pursued common class interests and hoped to make headway against the power of long-dominant planters. In the long run, however, the hope of such black-white coalitions floundered in the quicksand of racism.

Tax Policy and Corruption as Political Wedges

Taxation was a major problem for the Reconstruction governments. Republicans wanted to repair the war's destruction, stimulate industry, and support such new ventures as public schools. But the Civil War had destroyed much of the South's tax base. One category of valuable property—slaves—had disappeared entirely. And hundreds of thousands of citizens had lost much of the rest of their property—money, livestock, fences, and buildings—to the war. Thus, an increase in taxes (sales, excise, and property) was necessary even to maintain traditional services. Inevitably, Republican tax policies aroused strong opposition, especially among the yeomen.

Corruption was another serious charge leveled against the Republicans. Unfortunately, it was often true. Many carpetbaggers and black politicians engaged in fraudulent schemes, sold their votes, or padded expenses, taking part in what scholars recognize was a nationwide surge of corruption in an age ruled by "spoils-men." Corruption carried no party label, but the Democrats successfully pinned the blame on unqualified blacks and greedy carpetbaggers among southern Republicans.

Ku Klux Klan

All these problems hurt the Republicans, whose leaders also allowed factionalism along racial and class lines to undermine party unity. But in many southern states, the deathblow came through violence. The Ku Klux Klan (its members altered the Greek word for "circle," *kuklos*), a secret veterans' club that began in Tennessee in 1866, spread through the South, and rapidly evolved into a terrorist organization. Violence against African Americans occurred from the first days of Reconstruction but became far more organized and purposeful after 1867. Klansmen sought to frustrate Reconstruction and keep the freedmen in subjection. Nighttime harassment, whippings, beatings, rapes, and murders became common, as terrorism dominated some counties and regions.

Although the Klan tormented blacks who stood up for their rights as laborers or individuals, its main purpose was political. Lawless night riders made active Republicans the target of their attacks. Leading white and black Republicans were killed in several states. After freedmen who worked for a South Carolina scalawag started voting, terrorists visited the plantation and, in the words of one victim, "whipped every ... [black] man they could lay their hands on." Klansmen also attacked Union League clubs—Republican organizations that mobilized the black vote—and schoolteachers who were aiding the freedmen.

Klan violence was not a spontaneous outburst of racism; very specific social forces shaped and directed it. In North Carolina, for example, Alamance and Caswell counties were the sites of the worst Klan violence. Slim Republican majorities there rested on cooperation between black voters and white yeomen, particularly those whose Unionism or discontent with the Confederacy had turned them against local Democratic officials. Together, these black and white Republicans had ousted officials long entrenched in power. The wealthy and powerful men in Alamance and Caswell who had lost their accustomed political control were the Klan's county officers and local chieftains. They organized a deliberate campaign of terror, recruiting members and planning atrocities. By intimidation and murder, the Klan weakened the Republican coalition and restored a Democratic majority.

Two members of the Ku Klux Klan, photographed in regalia, circa. 1870.



Dallas Historical Society, Texas. USA/The Bridgeman Art Library

Klan violence injured and ultimately destroyed Republicans across the South. One of every ten black leaders who had been delegates to the 1867–1868 state constitutional conventions was attacked, seven fatally. In one judicial district of North Carolina, the Ku Klux Klan was responsible for twelve murders, over seven hundred beatings, and other acts of violence, including rape and arson. A single attack on Alabama Republicans in the town of Eutaw left four blacks dead and fifty-four wounded. In South Carolina, five hundred masked Klansmen lynched eight black prisoners at the Union County jail, and in nearby York County, the Klan committed at least eleven murders and hundreds of whippings. According to historian Eric Foner, the Klan “made it virtually impossible for Republicans to campaign or vote in large parts of Georgia.”

Thus, a combination of difficult fiscal problems, Republican mistakes, racial hostility, and terror brought down the Republican regimes. In most southern states, Radical Reconstruction lasted only a few years (see Map 14.1). The most enduring failure of Reconstruction, however, was not political; it was social and economic. Reconstruction failed to alter the South’s social structure or its distribution of wealth and power.

RETREAT FROM RECONSTRUCTION

During the 1870s, northerners increasingly lost the political will to sustain Reconstruction in the South as a vast economic and social transformation occurred in their own region as well as in the West. Radical Republicans like Albion Tourgée, a former Union soldier who moved to North Carolina and was elected a judge, condemned Congress's timidity. Turning the freedman out on his own without protection, said Tourgée, constituted "cheap philanthropy." Indeed, many African Americans believed that, during Reconstruction, the North "threw all the Negroes on the world without any way of getting along." As the North underwent its own transformations and lost interest in the South's dilemmas, Reconstruction collapsed.

Political Implications of Klan Terrorism

In one southern state after another, Democrats regained control, and they threatened to defeat Republicans in the North as well. Whites in the old Confederacy referred to this decline of Reconstruction as "southern redemption," and during the 1870s, "redeemer" Democrats claimed to be the saviors of the South from alleged "black domination" and "carpetbag rule." And for one of only a few times in American history, violence and terror emerged as tactics in normal politics.

In 1870 and 1871, the violent campaigns of the Ku Klux Klan forced Congress to pass two Enforcement Acts and an anti-Klan law. These laws made actions by individuals against the civil and political rights of others a federal criminal offense for the first time. They also provided for election supervisors and permitted martial law and suspension of the writ of habeas corpus to combat murders, beatings, and threats by the Klan. Federal prosecutors used the laws rather selectively. In 1872 and 1873, Mississippi and the Carolinas saw many prosecutions; but in other states where violence flourished, the laws were virtually ignored. Southern juries sometimes refused to convict Klansmen; out of a total of 3,310 cases, only 1,143 ended in convictions. Although many Klansmen (roughly 2,000 in South Carolina alone) fled their state to avoid prosecution, and the Klan officially disbanded, the threat of violence did not end. Paramilitary organizations known as Rifle Clubs and Red Shirts often took the Klan's place.

Klan terrorism openly defied Congress, yet even on this issue there were ominous signs that the North's commitment to racial justice was fading. Some conservative but influential Republicans opposed the anti-Klan laws. Rejecting other Republicans' arguments that the Thirteenth, Fourteenth, and Fifteenth Amendments had made the federal government the protector of the rights of citizens, these dissenters echoed an old Democratic charge that Congress was infringing on states' rights. Senator Lyman Trumbull of Illinois, who had been a key author of the Thirteenth Amendment, declared that the states remained "the depositories of the rights of the individual." If Congress could punish crimes like assault or murder, he asked, "what is the need of the State governments?" For years, Democrats had complained of "centralization and consolidation"; now some Republicans seemed to agree with them. This opposition foreshadowed a more general revolt within Republican ranks in 1872.

Industrial Expansion and Reconstruction in the North

Both immigration and industrialization surged in the North. Between 1865 and 1873, 3 million immigrants entered the country, most settling in the industrial cities of the North and West. Within only eight years, postwar industrial production increased by 75 percent. For the first time, nonagricultural workers outnumbered farmers, and wage earners outnumbered independent craftsmen. And by 1873, only Britain's industrial output was greater than that of the United States. Government financial policies did much to bring about this rapid growth. Low taxes on investment and high tariffs on manufactured goods aided the growth of a new class of powerful industrialists, especially railroad entrepreneurs.

Railroads became the symbol of and the stimulus for the American age of capital. From 1865 to 1873, thirty-five thousand miles of new track were laid, a total exceeding the entire national rail network of 1860. Railroad building fueled the banking industry and made Wall Street the center of American capitalism. Eastern railroad magnates, such as Thomas Scott of the Pennsylvania Railroad, the largest corporation of its time, created economic empires with the assistance of huge government subsidies of cash and land. Railroad corporations also bought up mining operations, granaries, and lumber companies. In Congress and in every state legislature, big business now employed lobbyists to curry favor with government. Corruption ran rampant; some congressmen and legislators were paid annual retainers by major companies. Indeed, the transcontinental railroads helped Americans imagine how to conquer vast spaces, as well as conceive of time in new ways. The railroads brought modernity to the United States like almost nothing else; but they also taught the nation sordid lessons about the perils of monopoly and corruption, and by the late nineteenth century railroad entrepreneurs were the most hated men in the West.

This soaring capitalist–politician alliance led as well to an intensified struggle between labor and capital. As captains of industry amassed unprecedented fortunes in an age with no income tax, gross economic inequality polarized American society. The workforce, worried a prominent Massachusetts business leader, was in a “transition state ... living in boarding houses” and becoming a “permanent factory population.” In Cincinnati, three large factories employed as many workers as the city's thousands of small shops. In New York or Philadelphia, workers increasingly lived in dark, unhealthy tenement housing. Thousands would list themselves on the census as “common laborer” or “general jobber.” Many of the free-labor maxims of the Republican Party were now under great duress. Did the individual work ethic guarantee social mobility in America or erode, under the pressure of profit making, into a world of unsafe factories, child labor, and declining wages? In 1868, the Republicans managed to pass an eight-hour workday bill in Congress that applied to federal workers. The “labor question” (see Chapter 16) now preoccupied northerners far more than the “southern” or the “freedmen” question.

Then, the Panic of 1873 ushered in more than five years of economic contraction. Three million people lost their jobs as class attitudes diverged, especially in large cities. Debtors and the unemployed sought easy-money policies to spur economic expansion (workers and farmers desperately needed cash). Businessmen, disturbed by the widespread strikes and industrial violence that accompanied the panic, fiercely defended property rights and demanded “sound money” policies as

they sought to crush labor unions. The chasm between farmers and workers on the one hand, and wealthy industrialists on the other, grew ever wider.

Liberal Republican Revolt

Disenchanted with Reconstruction, a largely northern group calling itself the Liberal Republicans bolted the party in 1872 and nominated Horace Greeley, the famous editor of the *New York Tribune*, for president. The Liberal Republicans were a varied group, including foes of corruption and advocates of a lower tariff. Normally such disparate elements would not cooperate with one another, but two popular and widespread attitudes united them: distaste for federal intervention in the South and an elitist desire to let market forces and the “best men” determine policy and events.

The Democrats also gave their nomination to Greeley in 1872. The combination was not enough to defeat Grant, who won reelection, but it reinforced Grant’s desire to avoid confrontation with white southerners. Greeley’s campaign for North-South reunion, for “clasping hands across the bloody chasm,” was a bit premature to win at the polls but was a harbinger of the future in American politics. Organized Blue-Gray fraternalism (gatherings of Union and Confederate veterans) began as early as 1874. Grant continued to use military force sparingly and in 1875 refused a desperate request from the governor of Mississippi for troops to quell racial and political terrorism in that state.

Dissatisfaction with Grant’s administration grew during his second term. Strong-willed but politically naive, Grant made a series of poor appointments. His secretary of war, his private secretary, and officials in the treasury department and navy were involved in bribery or tax-cheating scandals. Instead of exposing the corruption, Grant defended the culprits. In 1874, as Grant’s popularity and his party’s prestige declined, the Democrats recaptured the House of Representatives, signaling the end of the Radical Republican vision of Reconstruction. “Republican Party Struck by Lightning,” read a Buffalo newspaper headline. And “Busted! The Republican Machine Gone to Smash!” said the *Louisville Courier-Journal* gleefully. Of thirty-five states holding legislative elections, twenty-three were won by Democrats.

General Amnesty

The effect this political turnaround in Congress was to weaken legislative resolve on southern issues. Congress had already lifted the political disabilities of the Fourteenth Amendment from many former Confederates. In 1872, it had adopted a sweeping Amnesty Act, which pardoned most of the remaining rebels and left only five hundred barred from political office holding. In 1875, Congress passed a Civil Rights Act, partly as a tribute to the recently deceased Charles Sumner, purporting to guarantee black people equal accommodations in public places, such as inns and theaters, but the bill was watered down and contained no effective provisions for enforcement. (The Supreme Court later struck down this law.)

Democrats regained control of four state governments before 1872 and a total of eight by the end of January 1876 (see Map 14.1). In the North, Democrats successfully stressed the failure and scandals of Reconstruction governments. As opinion shifted, many Republicans sensed that their constituents were tiring of southern issues and the racial legacies of the war. Sectional reconciliation now seemed crucial for commerce. The nation was expanding westward rapidly, and the South was a new frontier for investment.

The West, Race, and Reconstruction

Nowhere did the new complexity and violence of American race relations play out so vividly as in the West. As the Fourteenth Amendment and other enactments granted to blacks the beginnings of citizenship, other nonwhite peoples faced continued persecution. Across the West, the federal government pursued a policy of containment against Native Americans. In California, where white farmers and ranchers often forced Indians into captive labor, some civilians practiced a more violent form of “Indian hunting.” By 1880, thirty years of such violence left an estimated forty-five hundred California Indians dead at the hands of white settlers.

In Texas and the Southwest, the rhetoric of national expansion still deemed Mexicans and other mixed-race Hispanics to be debased, “lazy,” and incapable of self-government. And in California and other states of the Far West, thousands of Chinese immigrants became the victims of brutal violence. Few whites had objected to the Chinese who did the dangerous work of building railroads through the Rocky Mountains. But when the Chinese began to compete for urban, industrial jobs, great conflict emerged. Anti-coolie clubs appeared in California in the 1870s, seeking laws against Chinese labor, fanning the flames of racism, and organizing vigilante attacks on Chinese workers and the factories that employed them. Western politicians sought white votes by pandering to prejudice, and in 1879 the new California constitution denied the vote to Chinese.

If we view America from coast to coast, and not merely on the North–South axis, the Civil War and Reconstruction years both dismantled racial slavery and fostered a volatile new racial complexity, especially in the West. During the same age when early anthropologists employed elaborate theories of “scientific” racism to determine a hierarchy of racial types, the West was a vast region of racial mixing and conflict. Some African Americans, despite generations of mixture with Native Americans, asserted that they were more like whites than the nomadic, “uncivilized” Indians, while others, like the Creek freedmen of Indian Territory, sought an Indian identity. In Texas, whites, Indians, blacks, and Hispanics had mixed for decades, and by the 1870s forced reconsideration in law and custom of who was white and who was not.

During Reconstruction, America was undergoing what one historian has called a reconstruction of the very idea of *race* itself. As it did so, tumbling into some of the darkest years of American race relations, the turbulence of the expanding West reinforced the new nationalism and the reconciliation of North and South based on a resurgent white supremacy.

Foreign Expansion

Following the Civil War, pressure for expansion reemerged (see Chapter 19), and in 1867 Secretary of State William H. Seward arranged a vast addition of territory to the national domain through the purchase of Alaska from Russia. Opponents ridiculed Seward’s \$7.2 million venture, calling Alaska “Frigidia,” “the Polar Bear Garden,” and “Walrussia.” But Seward convinced important congressmen of Alaska’s economic potential, and other lawmakers favored the dawning of friendship with Russia.

Also in 1867, the United States took control of the Midway Islands, a thousand miles northwest of Hawai‘i. And in 1870, President Grant tried unsuccessfully to annex the Dominican Republic. Seward and his successor, Hamilton Fish, also

LINKS TO THE WORLD

The "Back to Africa" Movement

In the wake of the Civil War, and especially after the despairing end of Reconstruction, some African Americans sought to leave the South for the American West or North, but also to relocate to Africa. Liberia had been founded in the 1820s by the white-led American Colonization Society (ACS), an organization dedicated to relocating blacks "back" in Africa. Some eleven thousand African Americans had emigrated voluntarily to Liberia by 1860, with largely disastrous results. Many died of disease, and others felt disoriented in the strange new land and ultimately returned to the United States.

Reconstruction reinvigorated the emigration impulse, especially in cotton-growing districts where blacks had achieved political power before 1870 but were crushed by violence and intimidation in the following decade. When blacks felt confident in their future, the idea of leaving America fell quiet; but when threatened or under assault, whole black communities dreamed of a place where they could become an independent "race," a "people," or a "nation" as their appeals often announced. Often that dream, more imagined than realized, lay in West Africa. Before the Civil War, most blacks had denounced the ACS for its racism

and its hostility to their sense of American birthright. But letters of inquiry flooded into the organization's headquarters after 1875. Wherever blacks felt the reversal of the promise of emancipation the keenest, they formed local groups such as the Liberia Exodus Association of Pinesville, Florida; or the Liberian Exodus Arkansas Colony; and many others.

At emigration conventions, and especially in churches, blacks penned letters to the ACS asking for maps or any information about a new African homeland. Some local organizers would announce eighty or a hundred recruits "widawake for Liberia," although such enthusiasm rarely converted into an Atlantic voyage. The impulse was genuine, however. "We wants to be a People," wrote the leader of a Mississippi emigration committee; "we can't be it heare and find that we ar compel to leve this Cuntry." Henry Adams, a former Louisiana slave, Union soldier, and itinerant emigration organizer, advocated Liberia, but also supported "Kansas fever" with both biblical and natural rights arguments. "God ... has a place and a land for all his people," he wrote in 1879. "It is not that we think the soil climate or temperature" elsewhere is "more congenial

resolved troubling Civil War grievances against Great Britain. Through diplomacy they arranged a financial settlement of claims on Britain for damage done by the *Alabama* and other cruisers built in England and sold to the Confederacy. They recognized that sectional reconciliation in Reconstruction America would serve new ambitions for world commerce and expansion.

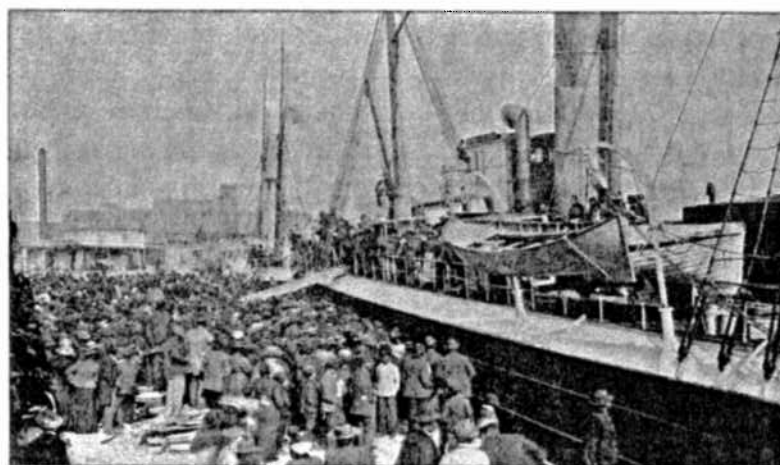
Judicial Retreat from Reconstruction

Meanwhile, the Supreme Court played a major part in the northern retreat from Reconstruction. During the Civil War, the Court had been cautious and inactive. Reaction to the *Dred Scott* decision (1857) had been so vehement, and the Union's wartime emergency so great, that the Court had avoided interference with government actions. The justices breathed a collective sigh of relief, for example, when legal technicalities prevented them from reviewing the case of Clement

to us—but it is the idea that pervades our breast ‘that at last we will be free,’ free from oppression, free from tyranny, free from bulldozing, murderous southern whites.”

By the 1890s, Henry McNeal Turner, a freeborn former Georgia Reconstruction politician, and now bishop of the African Methodist Episcopal Church, made three trips to Africa and vigorously campaigned through press and pulpit for blacks to “Christianize” and “civilize” Africa. Two shiploads of African Americans sailed to Liberia,

although most returned disillusioned or ill. Turner’s plan of “Africa for the Africans” was as much a religious vision as an emigration system, but like all such efforts then and since, it reflected the despair of racial conditions in America more than realities in Africa. The numbers do not tell the tale of the depth of the impulse in this link to the world: in 1879–1880, approximately twenty-five thousand southern blacks moved to Kansas, whereas from 1865 to 1900, just under four thousand emigrated to West Africa.



Illustrated American/Historical/Corbis

Departure of African American emigrants to Liberia aboard the Laurada, Savannah, Georgia, March 1896. The large crowd bidding farewell to the much smaller group aboard the ship may indicate both the fascination with and the ambivalence about this issue among blacks in the South.

Vallandigham, a Democratic opponent of Lincoln’s war effort who had been convicted by a military tribunal of aiding the enemy. But in 1866, a similar case, *Ex parte Milligan*, reached the Court.

Lambdin P. Milligan of Indiana had plotted to free Confederate prisoners of war and overthrow state governments. For these acts, a military court sentenced Milligan, a civilian, to death. Milligan challenged the authority of the military tribunal, claiming he had a right to a civil trial. Reasserting its authority, the Supreme Court declared that military trials were illegal when civil courts were open and functioning.

In the 1870s, the Court successfully renewed its challenge to Congress’s actions when it narrowed the meaning and effectiveness of the Fourteenth Amendment. The *Slaughter-House* cases (1873) began in 1869, when the Louisiana legislature granted one company a monopoly on the slaughtering of livestock in New Orleans. Rival butchers in the city promptly sued. Their attorney, former Supreme Court

justice John A. Campbell, argued that Louisiana had violated the rights of some of its citizens in favor of others. The Fourteenth Amendment, Campbell contended, had revolutionized the constitutional system by bringing individual rights under federal protection, safeguarding them from state interference.

But in the *Slaughter-House* decision, the Supreme Court dealt a stunning blow to the scope of the Fourteenth Amendment. The Court declared state citizenship and national citizenship separate. National citizenship involved only matters such as the right to travel freely from state to state, and only such narrow rights, held the Court, were protected by the Fourteenth Amendment.

The Supreme Court also concluded that the butchers who sued had not been deprived of their rights or property in violation of the due-process clause of the amendment. Shrinking from a role as “perpetual censor” for civil rights, the Court’s majority declared that the framers of the recent amendments had not intended to “destroy” the federal system, in which the states exercised “powers for domestic and local government, including the regulation of civil rights.” Thus, the justices severely limited the amendment’s potential for securing and protecting the rights of black citizens—its original intent.

The next day, the Court decided *Bradwell v. Illinois*, a case in which Myra Bradwell, a female attorney, had been denied the right to practice law in Illinois because she was a married woman, and hence not considered a free agent. Pointing to the Fourteenth Amendment, Bradwell’s attorneys contended the state had unconstitutionally abridged her “privileges and immunities” as a citizen. The Supreme Court rejected her claim, declaring a woman’s “paramount destiny ... to fulfill the noble and benign offices of wife and mother.”

In 1876, the Court weakened the Reconstruction era amendments even further by emasculating the enforcement clause of the Fourteenth Amendment and revealing deficiencies inherent in the Fifteenth Amendment. In *U.S. v. Cruikshank*, the Court overruled the conviction under the 1870 Enforcement Act of Louisiana whites who had attacked a meeting of blacks and conspired to deprive them of their rights. The justices ruled that the Fourteenth Amendment did not give the federal government power to act against these whites, who had murdered possibly as many as one hundred blacks. The duty of protecting citizens’ equal rights, the Court said, “rests alone with the States.” Such judicial conservatism as well as states’ rights doctrine, practiced by justices who had all been appointed by Republican presidents Lincoln and Grant, left a profound imprint down through the next century, blunting the revolutionary potential in the Civil War amendments.

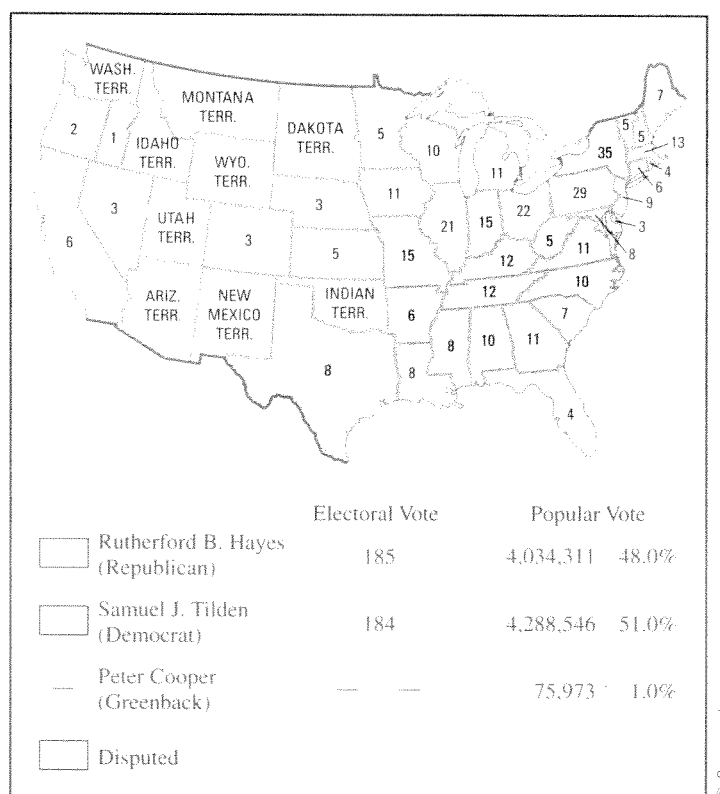
Disputed Election of 1876 and Compromise of 1877

As the 1876 elections approached, Americans increasingly focused on economic issues. The North was no longer willing to pursue the goals of Reconstruction. The results of a disputed presidential election confirmed this fact. Samuel J. Tilden, the Democratic governor of New York, ran strongly in the South and needed only one more electoral vote to triumph over Rutherford B. Hayes, the Republican nominee. Nineteen electoral votes from Louisiana, South Carolina, and Florida (the only southern states not yet under Democratic rule) were disputed; both Democrats and Republicans claimed to have won in those states despite fraud committed by their opponents (see Map 14.2).

To resolve this unprecedented situation, Congress established a fifteen-member electoral commission. Membership on the commission was to be balanced between Democrats and Republicans. Because the Republicans held the majority in Congress, they prevailed, 8 to 7, on every attempt to count the returns, with commission members voting along strict party lines. Hayes would become president if Congress accepted the commission's findings.

Congressional acceptance was not certain. Democrats controlled the House and could filibuster to block action on the vote. Many citizens worried that the nation would slip once again into civil war, as some southerners vowed, "Tilden or Fight!" The crisis was resolved when Democrats acquiesced in the election of Hayes based on a "deal" cut in a Washington hotel between Hayes's supporters and southerners who wanted federal aid to railroads, internal improvements, federal patronage, and removal of troops from southern states. Northern and southern Democrats simply decided not to contest the election of a Republican who was not going to continue Reconstruction policies in the South. Thus, Hayes became president, inaugurated privately inside the White House to avoid any threat of violence. Southerners relished their promises of economic aid, and Reconstruction was unmistakably over.

Southern Democrats rejoiced, but African Americans grieved over the betrayal of their hopes for equality. The Civil War had brought emancipation, and Reconstruction



MAP 14.2 Presidential Election of 1876 and the Compromise of 1877

In 1876, a combination of solid southern support and Democratic gains in the North gave Samuel Tilden the majority of popular votes, but Rutherford B. Hayes won the disputed election in the electoral college, after a deal satisfied Democratic wishes for an end to Reconstruction.

had guaranteed their rights under law. But events and attitudes in larger white America were foreboding. In a Fourth of July speech in Washington, D.C., in 1875, Frederick Douglass anticipated this predicament. He reflected anxiously on the American centennial to be celebrated the following year. The nation, Douglass feared, would “lift to the sky its million voices in one grand Centennial hosanna of peace and good will to all the white race ... from gulf to lakes and from sea to sea.” Douglass looked back on fifteen years of unparalleled change for his people and worried about the hold of white supremacy on America’s historical memory: “If war among the whites brought peace and liberty to the blacks, what will peace among the whites bring?” Douglass’s question would echo down through American political culture for decades.

SUMMARY

Reconstruction left a contradictory record. It was an era of tragic aspirations and failures but also of unprecedented legal, political, and social change. The Union victory brought about an increase in federal power, stronger nationalism, sweeping federal intervention in the southern states, and landmark amendments to the Constitution. It also sparked a revolution in how people would see the role of the state in their lives, often resulting in positive modes of dependence on government heretofore unimagined. But northern commitment to make these changes endure eroded, and the revolution remained unfinished. The mystic sense of promise for new lives and liberties among the freedpeople, demonstrated in that first Decoration Day in Charleston, was tarnished although not dead by 1877.

The North embraced emancipation, black suffrage, and constitutional alterations strengthening the central government. But it did so to defeat the rebellion and secure the peace. As the pressure of these crises declined, Americans, especially in the North, retreated from Reconstruction. The American people and the courts maintained a preference for state authority and a distrust of federal power. The ideology of free labor dictated that property should be respected and that individuals should be self-reliant. Racism endured and transformed into the even more virulent forms of Klan terror and theories of black degeneration. Concern for the human rights of African Americans and other reforms frequently had less appeal than moneymaking in an individualistic, industrializing society.

New challenges began to overwhelm the aims of Reconstruction. How would the country develop its immense resources in an increasingly interconnected national economy? Could farmers, industrial workers, immigrants, and capitalists coexist? Industrialization not only promised prosperity but also wrought increased exploitation of labor. Moreover, industry increased the nation’s power and laid the foundation for an enlarged American role in international affairs. The American imagination again turned to the conquest of new frontiers.

In the wake of the Civil War, Americans faced two profound tasks—the achievement of healing and the dispensing of justice. Both had to occur, but they never developed in historical balance. Making sectional reunion compatible with black freedom and equality overwhelmed the imagination in American political culture, and the nation still faced much of this dilemma more than a century later.