Part 8, Reshaping the Conflict, 1865-1877

The Politics of It

After four bloody years of war the Union was preserved, some four million African American slaves were legally free, and an entire nation was released from the oppressive weight of slavery. As important as the war itself was, the United States now faced the tangled problem of how to reunify the nation. That included rehabilitating the defeated South, reintegrating Confederate states into the Union, and integrating African Americans into society. This was all wrapped in the reality of the South having become physically, economically, and demographically devasted, but not fought out, versus a relatively untouched North that had become an economic powerhouse and an activist one-party stronghold.

The war started as a fight to keep the Union together, to defeat secession. Along the way, it changed to include the elimination of slavery. In this, Reconstruction changed as well, from reintegrating the South into the political and governance structure of the nation to also including the wholesale redefining and reorienting of some four million free but disenfranchised African Americans not only in the South but in the whole of the nation. Reconstruction became a much more complicated exercise.

There are two parts to this story, interwoven to be sure. There is the national politics, which we can follow with the story of the Radical Republicans, and there is emancipation and the first attempt at integrating the African American community — all of it, not just the newly-freed — into American society. Reconstruction was but another step along the African Americans' journey for equality. Collectively, this is a story of a different form of combat. Racial *attitudes* North and South did not significantly change with war's end, they simply moved (one might say *returned*) to the political arena where hardball politics prevailed.

Within two months of Confederate General Robert E. Lee's surrender at Appomattox Court House on April 9, 1865, the Confederacy had collapsed, and its armed forces had ceased to exist, along with its economy (transportation, financial, and manufacturing systems) and political structure. A swift recovery was next to impossible, leaving the South destitute and bitter over its harsh fate. The bloodiest war in US history had settled from a legal standpoint the critical issues of secession and slavery but left much else unresolved, above all the former slaves' civil, political, and economic status.[1] Rebounding from this – getting "back to normal," as it were – was what Reconstruction was all about.

Reconstruction was a complicated business. It was a process that began before the war was over and lasted well beyond the end of the war. The best way to describe it is to start at the beginning. The problem is identifying when that point is. One might argue that it started with keeping in place in the Union remnants of the governments of states that seceded, states like Virginia. But, strictly speaking, that was *maintenance* rather than *reconstruction*.

Some point to the President Lincoln's Emancipation Proclamation of January 1, 1863, as the beginning of Reconstruction, but they are not quite the same. The Emancipation Proclamation marked the official beginning of freedom for *some* enslaved African Americans in the Confederacy, but not all.

Emancipation only applied to slaves in areas in active rebellion.[2] Still, much of the enslaved population of the South had been finding its way to freedom for some time as African Americans walked off plantations and farms in vast numbers, most making their way to the Union lines for food, clothing, and protection. This was particularly evident in connection with Maj. General Grant's Mississippi Campaign in 1862/63 and Maj. General Sherman's campaign through Georgia and then up through the Carolinas in 1864/65, but it happened to some extent with every Union thrust through the South.[3] This slow-spreading freedom eventually stalled the Confederate economy and helped guarantee its defeat at the hands of the Union, but emancipation for all slaves was yet to come.

That said, in 1863, President Lincoln wanted to end the Civil War as quickly as possible. He feared that strong Northern public support for the war would wane if the fighting continued and knew that the war was also taking an enormous toll on Northern families and resources. He worried that if the war dragged on, a settlement might be reached that would leave the North and South as two separate nations. As it turned out, his fears were justified: By late 1863, an increasing number of Democrats were calling for a truce and peaceful resolution to the conflict.

By December 1863, it was clear the President that he needed to make some preliminary plans for postwar reconstruction. The Union armies had captured large sections of the South, and some states were ready to have their governments rebuilt. He did not want Reconstruction to be a long, drawn-out process; rather, he wanted the states to draft new constitutions so that the Union could be quickly restored. So, on December 8 he offered another proclamation, this one for reunification. His Proclamation of Amnesty and Reconstruction (also known as the Ten Percent Plan) addressed three principal areas of concern.

- It allowed for a full pardon for and restoration of property to all engaged in the rebellion with the exception of the highest Confederate officials and military leaders.
- It allowed for a new state government to be formed when ten percent of the eligible voters had taken an oath of allegiance to the United States.
- The Southern states admitted in this fashion were encouraged to enact plans to deal with the formerly enslaved people so long as their freedom was not compromised.

In short, the terms of the plan were easy for most Southerners to accept. Though the emancipation of enslaved people was a near-impossible pill for many Confederates to swallow, the ten percent plan was charitable, particularly considering the costliness of the war. In essence, it was an attempt to weaken the Confederacy rather than a blueprint for the postwar South. It was put into operation in parts of the Union-occupied Confederacy, but none of the new governments achieved broad local support.

With this Proclamation, President Lincoln was seizing the initiative for reconstruction from Congress. Some Radical Republicans thought the plan was far too easy on the South. They wanted the South to pay a price for secession and believed that Congress, not the president, should direct the process of Reconstruction. The Radical Republicans saw serious flaws in Civil War–era southern society and were adamant that the South needed full social rehabilitation to resemble the North. Many Republican

Congressmen also aimed to improve education and labor conditions to benefit all of the oppressed classes in southern society, black and white.

Led by the Radical Republicans in the House and Senate, Congress passed the Wade-Davis Bill on July 2, 1864. Co-sponsored by Senator Benjamin Wade of Ohio and Representative Henry Davis of Maryland, it provided for the admission to representation of rebel states upon meeting certain conditions. Among the conditions was the requirement that 50 percent of white males in the state swear a loyalty oath, and the insistence that the state grant African American men the right to vote. President Lincoln pocket-vetoed the bill, stating he was opposed to being "inflexibly committed to any single plan of restoration."[4]

When the 38th Congress came to an end on March 3, 1865, the president and members of Congress had not yet reached an agreement on the terms of Reconstruction. Then, on April 15, President Lincoln was assassinated, Vice President Andrew Johnson[5] became president, and disagreements over the postwar reconstruction policy heated up.

On March 3, the temporary Bureau of Refugees, Freedmen, and Abandoned Lands was established within the War Department. It was to operate "during the present war of rebellion, and for one year thereafter," to smooth the transition from slavery by providing former slaves with immediate shelter and medical services, help in negotiating labor contracts with landowners, establish schools, supervise contracts between freedmen and employers, and manage confiscated and abandoned lands. It would also help to reunite families that had been separated by slavery and the war and help represent African Americans in the courts. In short, it established the precedent that African Americans had legal rights.

The Freedmen's Bureau Act of 1866 became law on July 16 of that year and extended the work of the agency for two more years. So, although initially authorized for just a bit over one year, it would remain in operation until 1868. The battle to establish the Freedmen's Bureau and then to extend the legislation one year later was a major factor in the struggle between President Johnson and the Radical Republicans in Congress over the role of the federal government in Reconstruction.[6] For all of its efforts, the Freedmen's Bureau was able to help only a small percentage of former slaves. Few freed people were able to acquire land of their own. Most were forced to become wage laborers, sharecroppers, or tenant farmers contracting with white landowners to work their land in exchange for food, tools, clothing, and a place to live. This agrarian system, however necessary in the face of the social and economic realities confronting the devastated South, soon placed the freed slaves in a dependent relationship reminiscent of slavery itself.

> *"It must be acknowledged that in the progress of nations Negroes have shown less capacity for government than any other race of people. No independent government of any form has ever been successful in their hands. On the contrary, wherever they have been left to their own devices they have shown a constant tendency to relapse into barbarism."*
>
> President Andrew Johnson, in his annual message to Congress in 1867

Those that expected President Johnson to take a strong position in punishing former Confederates and expanding black suffrage were sorely mistaken. President Johnson shared their disdain for the former Confederate leaders and the planter class, but he cherished states' rights and feared any effort to expand federal authority. He also retained many of the racial prejudices of his native region. Unlike the Radical Republicans, he balked at putting freed blacks in control of southern politics.

Similar to President Lincoln, President Johnson hoped middle-class, white, southern Unionists, along with repentant ex-Confederates, would take control of restoring the South to the Union. To this end, he announced his plan for Presidential Reconstruction on May 29, 1865, issuing two proclamations. The first granted amnesty and returned property to southerners willing to take a loyalty oath to the Constitution. However, many groups were excluded, including Confederate officials and wealthier planters with property valued at more than $20,000. Instead, these individuals had to personally apply for a pardon from the president. The second proclamation outlined a plan for North Carolina, which served as a blueprint for state efforts. He appointed a provisional governor and instructed North Carolina to call a convention to amend its prewar constitution for readmission into the Union.[7] These plans gave the white South essentially a free hand in regulating the transition from slavery to freedom and offered no role to blacks in the politics of the South. This Reconstruction strategy also required states to ratify the Thirteenth Amendment ending slavery. He did not want African Americans to have the right to vote. He supported states' rights over federal regulations, thus allowing states to be able to limit the freedoms of former slaves. The president's plan was implemented during the summer.[8]

At the outset, many believed President Johnson's plan deserved a chance to succeed. The course followed by Southern state governments under it, however, turned most of the North against the president's policy. Members of the old Southern elite, including many who had served in the Confederate government and army, returned to power. The new legislatures passed the Black Codes[9], severely limiting the former slaves' legal rights and economic options so as to force them to return to the plantations as dependent laborers. Some states limited the occupations open to blacks. None allowed any blacks to vote or provided public funds for their education. The president seemed to be aligning himself with the Southern elite, declaring to a journalist at one point, "White men alone must manage the South."

Radical Republicans that controlled Congress did not approve of President Johnson's lack of support for African American rights. Conflicts with Radical Republicans over his approach to Reconstruction eventually led to his impeachment. Congress was in recess from shortly after he took the oath of office in April 1865 until December 1865. While Congress was in recess, President Johnson started a process of Reconstruction that included pardoning those former Confederates willing to take an oath of allegiance to the United States.

In December 1865, the 39th Congress convened for the first time. Because they were elected during the final days of the Civil War, both the House and Senate had a Republican majority, outnumbering Democrats three to one. A group of radical Republicans in Congress, led by Pennsylvania Representative

Thaddeus Stevens and Massachusetts Senator Charles Sumner, called for state governments to expand universal male suffrage and uphold equality before the law. More than sixty former Confederates arrived to take their seats in Congress, including four generals, four colonels, and six Confederate cabinet officers -- even Alexander H. Stephens, the former vice president of the Confederacy. The Clerk of the House refused to include the Southern representatives in his roll call, and they were denied their elected seats.

The bill that became the Civil Rights Act of 1866 was introduced in the Senate on January 5, 1866. On February 2, the Senate voted to approve the bill 33-12. On March 13, the House approved the legislation by a vote of 111-38, with 34 members not voting. It was sent to President Johnson for signature, but on March 27 he vetoed it.

On April 9, the 39th Congress (1865-1867), dominated by Radical Republicans, overrode President Johnson's veto, and the bill became law. The override had near unanimous Republican support, 122 to 41. It was the first federal law to define citizenship and affirm that all citizens are equally protected under law. It was mainly intended to protect the civil rights of persons of African descent born in or brought to the United States.[10] President Johnson's veto proved to be the opening salvo of the showdown over the future of the former Confederacy and African American civil rights.

By 1866, many Americans felt that the Union had not been adequately reconstructed, that the way freedom had been defined for African Americans was not adequate, and that Presidential Reconstruction had led to neither healing nor justice. As a result, a majority Republican Congress was elected and pushed for the passage of the Reconstruction Acts of 1867, which enacted the plan that became known as Radical Reconstruction.

On June 13, 1866, Congress had sent the Fourteenth Amendment to the states. It put the principle of birthright citizenship into the Constitution and forbade states to deprive any citizen of the "equal protection" of the laws. Arguably the most important addition to the Constitution other than the Bill of Rights, this amendment constituted a profound change in federal-state relations. Traditionally, citizens' rights had been delineated and protected by the states. Thereafter, the federal government would guarantee all Americans' equality before the law against state violation. It stopped short of guaranteeing African Americans the right to vote. Controversial, this amendment will take over two years to be ratified, on July 28, 1868.

In the election of November 1866, a large number of Republicans who opposed President Johnson's Reconstruction program were elected to Congress and proceeded to roll back some of his policies, institute military law in the southern states, and implement measures that reined in the power of the President. In March of 1867, Congress passed the Tenure of Office Act, which was intended to prevent President Johnson from replacing Secretary of War Edwin Stanton. In February of 1868, President Johnson fired Stanton (intending to replace him with Grant[11]), and in response the House of Representatives prepared and on March 4 presented eleven articles of impeachment to the Senate. President Johnson was tried by the Senate on three of the articles and found not guilty by a single vote

on May 26, 1868. He would get neither the Democratic nor the Republican nomination in the upcoming presidential election. He served out the remainder of his term without popular or Congressional support, more a figurehead than a chief executive.[12]

The Peonage Act (sometimes referred to as the Anti-Peonage Act because it abolished peonage in the New Mexico Territory – a system of debt bondage, in which a laborer was bound to personal service in order to work off an obligation to pay money) was passed by Congress on March 7, 1867. The law, applicable to "any other Territory or state of the United States," enforced the Thirteenth Amendment's ban on "involuntary servitude." Under this law, people in the United States could not be forced to work against their will, even if one person were indebted to another. In addition to physically restraining or harming someone, the use of threats to get someone to work was also illegal. This law did not apply to prisoners who had been convicted of a crime.

The Reconstruction Act of 1867 outlined the terms for readmission to representation of states. The bill divided the former Confederate states, except for Tennessee, into five military districts and governed by military governors until acceptable state constitutions could be written and approved by Congress. Each state was required to write a new constitution, which needed to be approved by a majority of voters — including African Americans — in that state. These new constitutions were required to provide for universal manhood suffrage without regard to race (except Native Americans). In addition, each state was required to ratify the Thirteenth and Fourteenth Amendments. After meeting these criteria related to protecting the rights of African Americans and their property, the former Confederate states could gain full recognition and federal representation in Congress.

Congress approved the bill in February 1867, and then on March 2 it overrode President Johnson's veto.[13] Admission to representation of the former Confederate states began the next year –

- June 22: Arkansas.
- June 25: Louisiana, Florida, North Carolina, and South Carolina.
- July 14: Alabama.
- January 26: Virginia.
- February 23: Mississippi.
- March 30: Texas.
- July 15: Georgia was the last former Confederate state to be readmitted to the Union.

Three more acts were later enacted (two in 1867 and one in 1868), which concerned how state constitutions would be created and passed at the state level. A legal case, *Ex Parte McCardle*, arose over the constitutionality of military occupation in the South, thereby bringing into question the legality of the Reconstruction measures. The suit was brought under the Habeas Corpus Act of 1867, and the Radical Republicans responded by stripping the Supreme Court of its power to hear appeals involving that act. Congress again overrode President Johnson's veto, and in 1869 the court dismissed the case, stating that it lacked jurisdiction.[14]

On February 26, 1869, Congress passed the Fifteenth Amendment, which addressed Southern discrimination based on race that was subject to national protection and enforcement. In every state, African Americans formed the overwhelming majority of southern Republican voters.[15] From the beginning of Reconstruction, Black conventions and newspapers throughout the South had called for the extension of full civil and political rights to African Americans. Composed of those who had been free before the Civil War plus slave ministers, artisans, and Civil War veterans, the Black political leadership pressed for the elimination of the racial caste system and the economic uplifting of the former slaves. Sixteen African Americans served in Congress during Reconstruction, more than 600 in state legislatures, and hundreds more in local offices from sheriff to justice of the peace scattered across the South. So-called “Black supremacy” never existed, but the advent of African Americans in positions of political power marked a dramatic break with the country’s traditions and aroused bitter hostility from Reconstruction’s opponents.[16] In the winter of 1868, black and white lawmakers begin to work side by side in the Southern states' constitutional conventions. These are the first political meetings in American history to include substantial numbers of black men.

Nonetheless, the political revolution of Reconstruction spawned increasingly violent opposition from white Southerners. White supremacist organizations that committed terrorist acts, such as the Ku Klux Klan, targeted local Republican leaders for beatings or assassination. African Americans who asserted their rights in dealings with white employers, teachers, ministers, and others seeking to assist the former slaves also became targets. At Colfax, Louisiana, in 1873, scores of Black militiamen were killed after surrendering to armed whites intent on seizing control of local government. Increasingly, the new Southern governments looked to Washington, D.C., for assistance.[17]

Having broken with President Johnson and aligning himself with the Radical Republicans, the Republican National Convention at Chicago on May 21, 1868, nominated Grant for president and Schuyler Colfax of Indiana for vice president. Grant adopted the conciliatory slogan, "Let us have peace." On November 3, Grant was elected president, winning an electoral college majority of 214-80 over his Democratic opponent. But the popular majority was only 306,000 in a total vote of 5,715,000. Newly enfranchised African American men in the South cast 700,000 votes for the Republican ticket.[18]

Congress adopted the Fifteenth Amendment on June 18, 1866. It guaranteed citizenship and equal protection under the law by stating that the right to vote could not be denied on the basis of "race, color, or previous condition of servitude." Controversial, it was sent to the states for ratification and was ratified on February 3, 1870.

On April 12, 1869, the Supreme Court issued its *Texas v. White* decision. In a 5-3 split, the court held that Texas had remained a state, despite joining the Confederacy and its being under military rule at the time of the decision. The Court further held that individual states could not unilaterally secede from the Union and that the acts of the insurgent Texas legislature – even if ratified by a majority of Texans – were "absolutely null." Even during the period of rebellion, however, the Court found that Texas continued to be a state.[19] This settled the question of secession’s legality.

By the early 1870s, many Republicans had retreated from both the racial egalitarianism and the broad definition of federal power spawned by the Civil War. Southern corruption and instability, critics argued, stemmed from the exclusion of the region's "best men" — the planters — from power. As Northern Republicans became more conservative, Reconstruction came to symbolize a misguided attempt to uplift the lower classes of society.[20] These strict Reconstruction policies came to be known as Grantism.

Reflecting this shifting mood, the Republican Party split going into the 1872 presidential race. On May 1 of the year, liberal Republicans held a presidential convention in Cincinnati. New York newspaperman Horace Greeley received their nomination on the sixth ballot with a significant albeit hard fought victory over his closest opponent, Charles Francis Adams, an American historical editor, writer, and diplomat, and the son of President John Quincy Adams and grandson of President John Adams. Ironically, Greeley and his Liberal Republican vice-presidential candidate, Benjamin Gratz Brown of Missouri, were also nominated by the Democrats at the national convention on July 9. The (Radical) Republican Party convened in Philadelphia on June 5-6 and unanimously nominated President Grant for reelection on its first ballot. President Grant handily won reelection on November 5 with an electoral college majority of 286-66, and a popular majority of 763,000.

Though federal legislation passed during the administration of President Grant in 1871 took aim at the Klan and others who attempted to interfere with Black suffrage and other political rights, white supremacy gradually reasserted its hold on the South after the early 1870s as support for Reconstruction waned. Racism was still a potent force in both South and North, and Republicans became more conservative and less egalitarian as the decade continued.

By 1873, many white Southerners were calling for "Redemption" – the return of white supremacy and the removal of rights for blacks – instead of Reconstruction. This political pressure to return to the old order was oftentimes backed up by mob and paramilitary violence, with the Ku Klux Klan, the White League, and the Red Shirts assassinating pro-Reconstruction politicians and terrorizing Southern blacks. Within a few years, Northern attentions were consumed by apathy and fatigue and the South slipped back toward many of the patterns of the antebellum era. A few striking examples of the violence are—[21]

- May 1, 1866: Racial violence rages in Memphis, Tennessee for three days as whites assault blacks on the streets. In the aftermath, 48 people, nearly all black, are dead, and hundreds of black homes, churches, and schools have been pillaged or burned.
- July 30, 1866: Riots break out in New Orleans: a white mob attacks blacks and Radical Republicans attending a black suffrage convention, killing 40 people.
- October 1869: Georgia legislator Abram Colby is kidnapped and whipped by Klansmen.
- May 21, 1870: North Carolina Republican Senator John Walter Stephens assassinated by Klansmen.
- April 13, 1873 (some five weeks after the inauguration of President Grant's second term): The Colfax Massacre. The *White League*, a paramilitary group intent on securing white rule in Louisiana, clashes with Louisiana's almost all-black state militia. The resulting death toll is

staggering – only three members of the *White League* die, but some one hundred black men are killed. Of those, nearly half are murdered in cold blood after they surrender.

In 1874 — after an economic depression plunged much of the South into poverty — the Democratic Party won control of the House for the first time since the Civil War. When Democrats waged a campaign of violence to take control of Mississippi in 1875, President Grant refused to send federal troops, marking the end of federal support for Reconstruction-era state governments in the South.[22]

On March 1, 1875, as one of its last acts, the Republican-led Congress passed the Civil Rights Bill of 1875, prohibiting segregation in public facilities. The law would stand only until 1883, when the U.S. Supreme Court will strike it down.

The demise of Reconstruction was facilitated by two important Supreme Court decisions that struck at the protections afforded by constitutional amendments and legislation. The Court's decision in the *Slaughterhouse Cases* (1873), established that the Fourteenth Amendment applied only to former enslaved people, and protected only rights granted by the federal government, not by the states. The Supreme Court's ruling — that the Fourteenth Amendment's promise of due process and equal protection covered violations of citizens' rights by the states, but not by individuals – would make prosecuting anti-Black violence increasingly difficult, even as the Klan and other white supremacist groups were helping to disenfranchise Black voters and reassert white control of the South. Three years later, in *United States v. Cruikshank*, the Supreme Court overturned the convictions of three white men convicted in connection with the massacre of more than 100 African Americans in Colfax, Louisiana in 1873, as part of a political dispute. The men had been convicted of violating the 1870 Enforcement Act, which banned conspiracies to deny citizens' constitutional rights and had been intended to combat violence by the Ku Klux Klan against Black people in the South.[23]

By 1876 only South Carolina, Florida, and Louisiana remained under Republican control. President Grant did not seek reelection. The outcome of that year's presidential contest between Ohio's Republican Governor Rutherford B. Hayes and New York's Democrat Governor Samuel J. Tilden hinged on disputed returns from these three states, with both sides claiming victory. Together, there three states represented a total of 19 electoral votes, which along with one disputed elector from Oregon would be enough to swing the election Hayes's way. The Constitution provided no way of resolving the dispute. Congress would have to decide. A bipartisan electoral commission was formed.

While the electoral commission deliberated, however, it was negotiations between Southern political leaders and representatives of Hayes that produced a bargain – the Compromise of 1877 – wherein Hayes would recognize Democratic control of the remaining Southern states, and Democrats would not block the certification of his election by Congress. Hayes was inaugurated on March 3, 1977. Federal troops soon returned to their garrisons (i.e., their home stations), and as an era when the federal government accepted the responsibility for protecting the rights of the former slaves, Reconstruction came to an end.[24]

Epilogue—

When combat ended, the nation, and particularly the South, faced an unknown future. In the South, everything it had known — its way of life — was gone. Its economy was decimated. The *peculiar institution* had been overturned. Its manpower pool was gutted, not only by deaths but by devastating wounds and psychological trauma for many that had survived. Many areas were faced with environmental and agricultural degradation. The North, which many Southerners hated passionately, was now in control politically and militarily. The war had started with hope; defeat brought fear and dread. The South was faced with massive change, and everyone knew it would not be an easy process.

Secession – its concept, rationale, and goals; the routes from concept to implementation and the response to Northern reactions; and above all else, the resolve to fight and the experiences of the war itself – shaped Reconstruction on both sides. This seems obvious, to be sure, almost to the point of being facile, but it is much deeper than it appears on the surface. Reconstruction at its core was about *shaping* and *reshaping* attitudes — cultural attitudes that formed over decades before the war — attitudes that were neither swept away nor conquered but rather were hardened and embittered by the war. As von Clausewitz said, war is an extension of politics ("a continuation of policy with other means"). Such was the Civil War. It came and went, but the politics of it lived on and reverberate to this day. Politics is the act of putting views — attitudes — to policy or attempting to do so. It was Southern attitudes with which Reconstruction had to grapple.

Reconstruction started during the war, but it was after war's end that it matured and took shape. The Union victory in the war and the official end of slavery created excited expectations among the freed slaves. Their participation in Southern public life after 1867 was by far the most radical development of Reconstruction. In passing civil rights legislation and the Fourteenth and Fifteenth Amendments, the Radical Republican Congress was attempting, for the first time in history, to create a truly interracial democracy unlike that of any other society following the abolition of slavery.

But such hopes were to be dashed. Freedom itself did not provide security or the resources necessary for meaningful lives. By 1877 Southern white resistance and the withdrawal of federal supervision brought about the "redemption" of the South, and African Americans were disenfranchised. The redemption measures enforced greater racial separation and increased white intimidation and violence.

Reconstruction was an attempt to create a social and political revolution despite economic collapse and the opposition of much of the white South. Under these conditions, African Americans succeeded in carving out a measure of independence within Southern society. Reconstruction restored the United States as a unified nation:

- By 1877, each of the former Confederate states had drafted new constitutions, acknowledged the Thirteenth, Fourteenth, and Fifteenth Amendments, and pledged their loyalty to the US government.
- Reconstruction also settled the states' rights vs. federalism debate that had been an issue since the 1790s.

- African Americans only a few years removed from slavery participated at all levels of government.
- State governments had some success in solving social problems; for example, they funded public school systems open to all citizens.
- African Americans established institutions that had been denied them during slavery: schools, churches and families.
- The breakup of the plantation system led to some redistribution of land.
- Congress passed the 14th and 15th Amendments, which helped African Americans to attain full civil rights in the 20th century.

> *The slave went free, stood a brief moment in the sun; then moved back again toward slavery.*
>
> W. E. B. Du Bois
> Black Reconstruction in America (1935)

However, Reconstruction failed by most other measures:

- When President Hayes removed federal troops from the South in 1877, former Confederate officials and slave owners almost immediately returned to power.
- With the support of a conservative Supreme Court, these newly empowered white southern politicians passed black codes, voter qualifications, and other anti-progressive legislation to reverse the rights that blacks had gained during Radical Reconstruction.
    - The Supreme Court bolstered this anti-progressive movement with decisions in the Slaughterhouse Cases, the Civil Rights Cases, and United States v. Cruikshank that effectively repealed the Fourteenth and Fifteenth Amendments and the Civil Rights Act of 1875.
- Federal and state governments failed to secure the rights guaranteed to former slaves by constitutional amendments.
    - State Republican parties could not preserve black-white voter coalitions that would have enabled them to stay in power and continue political reform.
- Radical Republican legislation ultimately failed to protect former slaves from white persecution and failed to engender fundamental changes to the social fabric of the South.
    - Radical Republican governments were unable or unwilling to enact land reform or to provide former slaves with the economic resources needed to break the cycle of poverty.
- Racial bias was a national, not just a southern, problem. Northerners became more absorbed in westward expansion and industrialization than with the problems of the former slaves.
- The Supreme Court undermined the power of the Fourteenth and Fifteenth Amendments. At the end of Reconstruction, former slaves found themselves once again in a subordinate position in society.
- The sharecropping system — essentially a legal form of slavery that kept blacks tied to land owned by rich white farmers — became widespread in the South. With little economic power, African Americans ended up having to fight for civil rights on their own, as northern whites lost interest in Reconstruction by the mid-1870s.

Faced with violent opposition in the South and a retreat from the ideal of racial equality in the North, Reconstruction ended with many of its goals left unaccomplished. African Americans in the region retained certain constitutional rights, but in practice white supremacy had been reestablished through force and terror. With the loss of federal protection, African Americans found themselves not only at the mercy of the southern political elite but also locked into dependent economic relationship through the sharecropper system as well. It would take another 80 years or so for the nation to begin to live up to this era's promise of equality for all its citizens.

Historian Eric Foner concludes: "Whether measured by the dreams inspired by emancipation or the more limited goals of securing blacks' rights as citizens…Reconstruction can only be judged a failure."[25]

Notes

[1] "The Army and Reconstruction 1865-1877," Mark L. Bradley; Washington DC: US Army Center for Military History (CMH) Publication 75-18, 5-6.

[2] As stated in the Proclamation, "Arkansas, Texas, Louisiana, (except the Parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James Ascension, Assumption, Terrebonne, Lafourche, St. Mary, St. Martin, and Orleans, including the City of New Orleans) Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia (except the forty-eight counties designated as West Virginia, and also the counties of Berkley, Accomac, Northampton, Elizabeth City, York, Princess Ann, and Norfolk, including the cities of Norfolk and Portsmouth[)], and which excepted parts, are for the present, left precisely as if this proclamation were not issued.

"And by virtue of the power, and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States, and parts of States, are, and henceforward shall be free; and that the Executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons."

[3] Recall that on January 16, 1865, Maj. General Sherman issued Special Field Order 15, setting aside some 400,000 acres of confiscated land in coastal South Carolina, Georgia, and Florida for settlement exclusively by freed slaves, each eligible to receive "possessory title" to forty-acre plots. (See Order by the Commander of the Military Division of the Mississippi, January 16, 1865 (umd.edu) for full text of the order. A later order authorized the army to loan mules to the newly settled farmers.) The order was short-lived, however. President Johnson overturned it in the fall of 1865, after the war had ended, and returned most of the land along the South Carolina, Georgia, and Florida coasts to the planters who had originally owned it.

[4] U.S. Senate: The Wade-Davis Bill.

[5] Andrew Johnson was a Tennessee Democrat who served two terms as governor before being elected to the Senate in 1857. (He had served five terms in the House prior to becoming governor.) He was an ardent Unionist who blamed the slaveholding planter elite for secession and the Civil War. He was the only southern senator who refused to embrace the Confederacy in 1861. In 1862, President Lincoln appointed him as Military Governor of Tennessee after most of the western and central portions of the state had been retaken. The Senate quickly confirmed his nomination along with the rank of brigadier general. In response, the Confederates confiscated his land near Greeneville in eastern Tennessee and his slaves on that land and turned his home into a military hospital. President Lincoln invited him to be his running mate in 1864 to gain support among Democrats and send a message of national unity in his reelection campaign.

[6] *U.S. Senate: Freedmen's Bureau Acts of 1865 and 1866.*

[7] *The White House and Reconstruction - White House Historical Association (whitehousehistory.org).*

[8] *On January 31, 1865, the Thirteenth Amendment, abolishing slavery throughout the Union, won Congressional approval and was sent to the states for ratification. By the end of February, 18 states had ratified the amendment; after significant delay in the South, ratification would be completed by December.*

[9] *Southern legislatures began drafting "Black Codes" to re-establish white supremacy. The laws imposed restrictions on African Americans, especially in attempts to control labor: Freedmen were prohibited from work except as field hands, blacks refusing to sign labor contracts could be punished, unemployed black men could be seized and auctioned to planters as laborers, black children could be taken from their families and made to work. They also established curfews (generally, African Americans could not gather after sunset), freedmen convicted of vagrancy could be fined, whipped, or sold for a year's labor, freedmen had to sign agreements in January for a year of work; those who quit in the middle of a contract often lost all the wages they had earned, and freed people could rent land or homes only in rural areas, which virtually forced them to live on plantations. The new laws amounted to slavery without the chain. See, for example, Constitutional Rights Foundation (crf-usa.org).*

[10] *The Civil Rights Act of 1866 was the first major legislative attempt to give greater meaning to the 13th amendment. The act declared, "That all persons born in the United States and not subject to any foreign power, excluding Indians now taxed, are hereby declared to be citizens of the United States; And such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for a crime..." President Johnson outright rejected the underlying principle within the bill, arguing that offering citizenship to all Americans, except Native Americans, overstepped the authority of individual states and that " the distinction of race and color is by the bill made to operate in favor of the colored and against the white race." In other words, he believed that offering lawful protections to African Americans would undermine the power and authority of white males in favor of African Americans. The White House and Reconstruction - White House Historical Association (whitehousehistory.org). Also see Civil Rights Act of 1866 - Ballotpedia.*

[11] *In August 1865, President Johnson ordered the removal of black troops from the South after southerners complained that their presence was affecting morale. In November and December, at the request of President Johnson, Grant toured the South. He was greeted with surprising friendliness, and his report recommended a lenient Reconstruction policy. However, Grant soon turned against the president after realizing he was endangering the lives of American soldiers with his antics. Grant aligned himself with the radical Republicans ahead of his 1868 run for the presidency. The White House and Reconstruction - White House Historical Association (whitehousehistory.org).*

[12] *For a full description of the impeachment, see U.S. Senate: Impeachment Trial of President Andrew Johnson, 1868.*

[13] *U.S. Senate: The Civil War: The Senate's Story*

[14] *See Ex parte McCardle | Oyez. Note that the Acts excluded Tennessee, which had already ratified the Fourteenth Amendment and had been readmitted to the Union on July 24, 1866.*

[15] *During Reconstruction, the Republican Party in the South represented a coalition of Black people (who made up the overwhelming majority of Republican voters in the region) along with "carpetbaggers" and "scalawags," as white Republicans from the North and South, respectively, were known. Some 90% of African American men voted when they had the opportunity. See, for example, "Civil Rights in America: Racial Voting Rights," Susan Cianci Salvatore; Washington, D.C., National Park Service, 2007, Revised 2009; pg. 6; copy available at Civil Rights in America: Racial Voting Rights (nps.gov).*

[16] *Reconstruction | Definition, Summary, Timeline & Facts | Britannica.*

[17] *Ibid.*

[18] *On July 9, 1868, the Democrats nominated Horatio Seymour, former Governor of New York, for president, and Francis P. Blair, Jr., formerly one of Grant's commanders, for vice president.*

[19] *"Texas v. White." Oyez, www.oyez.org/cases/1850-1900/74us700. Accessed 3 Apr. 2022. Texas v. White | Oyez.*

[20] *Britannia, ibid.*

[21] *For a detailed accounting of violence, see Reconstruction in "America: Racial Violence after the Civil War, 1865-1876," Equal Justice Initiative, Montgomery, Alabama, at Reconstruction in America - Read Report | Equal Justice InitiativeEJI Reports.*

[22] *The Grant Administration also was plagued with other problems: the Crédit Mobilier scandal, the Whiskey Ring scandal, the Depression of 1873, and the Resumption Act of 1875. Collectively, this focused attention away from the South and onto political and economic woes in the North and thus played a role in ending Reconstruction.*

[23] *See "Slaughter-House Cases." Oyez, www.oyez.org/cases/1850-1900/83us36 and United States v. Cruikshank :: 92 U.S. 542 (1875) :: Justia US Supreme Court Center.*

[24] *Forever Free: The Story of Emancipation and Reconstruction, Eric Foner; New York: Alfred A. Knopf, 2005; pp. 197-198.*

[25] *Quoted from was_reconstruction_a_success__-_eric_foner.pdf (weebly.com).*