

The Civil War and Reconstruction 1865-1869: The Unfinished Revolution

Section 1: Reconstruction and the Politics of History: Introduction

1.0: Introduction

The Civil War has ended, Lincoln is dead - but Reconstruction has only just begun. Here we will begin our investigation of the period immediately following the war – one of the most misunderstood in US history – with a closer look at the broader historiography, that is, how this period has been differently interpreted through time, and especially in terms of the views held during the first half of the 20th century, when Reconstruction was seen as having been dominated by corruption and mismanagement, and how this view was revised in the latter half of the century with the emergence of new methods and the rise of the civil rights movement. And, then, how historians view the period now – a time in which some of the same issues remain, or have returned to the agenda – questions of citizenship, state rights, racial justice, responses to unrest or terrorism.

1A: Traditional Views of Reconstruction

1.1: Remembering Reconstruction

- ❖ The “politics of history” i.e. how politics influences history and vice-versa.
- ❖ Reconstruction and the issues surrounding the period are neglected in school curriculums but are remarkably relevant today
 - who is a citizen
 - what rights and responsibilities come with citizenship
 - where lay the relative powers of the federal and state government – their separation, intersection and ensuing frictions
 - affirmative action
 - relationships between political and economic democracy
 - the response to terrorism
- ❖ These are all issues that were debated during the Reconstruction period, and amendments and laws that ensued are still on the books today, and therefore influence how Americans respond to these issues today.
 - they are embedded in the judicial process – e.g. 14th Amendment, civil rights legislation
 - assumptions that still hold may be seen to be based on a misinterpretation of some Reconstruction laws
 - but, the 14th Amendment is an example of a constitutional amendment that continues to expand and is the basis for redress of the denial (by states) of citizen’s liberties – e.g. gay rights, right to bear arms.

1.2: The Dunning School

- ❖ In the last 40 years or so there has been a complete reevaluation in every aspect – social, political, economic - of the previously accepted narrative of the Reconstruction period
- ❖ And this long held version was called “The Dunning School” – named for William A. Dunning, a prominent professor of history at Columbia (!) – also including John W. Burgess and their students who went on to teach and publish the theses they developed at the time, and that is that
- ❖ Reconstruction was the lowest point in American democracy, the view promulgated by this school being:
 - Andrew Johnson’s attempt to realize Lincoln’s (purported) ambition of a quick readmission of the Confederate states as equal members was thwarted by the radically minded Republicans led by Thaddeus Stevens
 - called Radicals, Jacobins, Vindictives
 - & motivated by hatred of rebels, the South, secure Republican power, wanting to bring the South under the control of Northern capitalism.
 - that these radical elements ignored the conciliatory approach and leniency propagated by Johnson
 - instead, pushed forward an agenda of “black supremacy” (i.e. giving Black people the right to vote!) in the South
 - encouraged corruption and misgovernment
 - through the “carpet-baggers” – Northerners who went south seeking political and/or social advancement
 - and “scalawags” – Southerners who betrayed their race by cooperating with these new governments
 - and freed black people – who were manipulated by the unscrupulous white abovementioned groups & incapable of exercising their new power reasonably (an ambiguous conclusion, based on accepting that these were ignorant, easily manipulated people, which is contrary to the “black supremacy” idea they also wanted to hold true!)
 - as a result, the aggressive Southern reaction (through patriotic organizations like the Ku Klux Klan) was foreseeable and a justifiable attempt to restore “home rule”.
- ❖ This interpretation is rooted in the propaganda of the Democratic Party during Reconstruction, & these historians told (invented) a version of history that took verbatim the one-sided, racist narrative that served this particular point of view, and without recourse to contrary evidence.
- ❖ But, this historical view held from about 1900-1960 (longer than any other in US history scholarship) - & it was not just academic, the ideas it promulgated permeated culture – through films like “The Birth of a Nation” and “Gone with the Wind”, books like Claude G. Bowers’ “The Tragic Era” (1929) – reinforcing racist public opinion and influencing all the branches of government.

1.3: Birth of a Nation

- ❖ “Birth of a Nation” directed by D.W. Griffiths in 1915
 - spins every type of black, racist stereotype, be it based on intelligence, sexuality, personality, manners
 - there were no black actors – only “black face”
 - makes visual the myth of the disorder and disrepair brought upon government and society in the wake of Reconstruction (which is pretty much attune to the Dunning School argument
 - stokes the fear of racial equality, of inter-marriage and its consequences
- ❖ In the wake of riots and lynchings, some places in the North banned the showing of the film
 - the Supreme Court ruled their concern to be legitimate; that movies do not fall under “free speech”, and as a business could be locally regulated.
 - only after WWII did the courts begin to apply First Amendment protection to movies
- ❖ The fundamental undertone is one that black people are inherently unfit to share in civil and political discourse. “Racial inequality” as an unquestioned assumption. This school of thought permeated the newly created “political science” (Burgess as one of the founders of this discipline!) and social science until the second half of the 20th century.

1.4: The Politics of History

- ❖ So, this version of Reconstruction resonates and shapes public consciousness long into the 20th century.
 - This view of history had enormous political implications
 - it comported with the racial situation and tensions in the first half of the century – exemplified by the Jim Crow system
 - it was easy to relate - and presumably to relate to – a narrative in black and white (I mean that figuratively – but as I write it I see the literal to also hold true!)
- ❖ Basically it taught a clear political lesson for the time after
 - 1. Reconstruction originated in the North, and the South must resist the pressure from outside in terms of race relations
 - after all, white Southerners understand this matter better
 - the policies of Thaddeus Stevens and others (though maybe well-intentioned) created mayhem on the ground
 - 2. Reconstruction was the work of the Republican Party
 - Democrats must stand united in the South to ward off the potential of another Reconstruction
 - 3. The alleged horrors of Reconstruction legitimated the disenfranchisement of black voters
 - give black people the vote again and there will be another Reconstruction
 - this legitimized segregation
 - legitimized the Northern indifference to the nullification of the 13th, 14th and 15th Amendments in the South
 - So it were these historians that provided the intellectual fodder and justification for the race system in the South

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- There were critics of this view, and counter arguments made
 - Howard K. Beale challenged it on the grounds of its myopic focus on race and the emphasis should be more on the economic factors (not necessarily a defense of Reconstruction)
 - W.E.B. Du Bois offered a more balanced appraisal of the period and its accomplishments in his book “Black Reconstruction in America” in the mid-1930s
 - & an irrefutable indictment of a historical profession that had forsaken good scholarship in the interests of a racist agenda
 - “One fact and one fact alone explains [this] they [white historians] cannot conceive of Negroes as men.”
 - made an enormous impact in the black community, amongst the black intelligentsia and their supporters, but mostly was ignored by academia and the mainstream.

1B: How Reconstruction is Viewed Today.

1.5: Reconstruction Revisionism and After

- ❖ In the 1960s and corresponding with the Civil Rights era, the assumptions on which this view of the period, and on Jim Crow, were based began to fall to pieces
 - a new generation of scholars with new methods came to the fore and with new interpretations
 - Lincoln did not have a coherent plan for Reconstruction that was torpedoed with his assassination
 - Johnson was not his “heir” and a defender of the Constitution, but a racist and a poor leader who was to blame for his own demise and that of his administration
 - the Radicals were rehabilitated as precursors of the Civil Rights movement – and whose agenda had wide support in the greater Republican Party and with the Northern public.
 - scholars (e.g. Joel Williamson “After Slavery”) broadened the scope of research beyond that of “the politics” to the greater social changes (and successes) that came in the wake of the war
 - the first public school system
 - economic renewal
 - interracial political democracy
 - and is finally begins to be evidenced – earlier historians had defended the sparsity of a Black viewpoint based on the lack of source material (laziness, prejudice or probably both?)
 - African-Americans as important participants – not an ignorant, easily manipulated people, as it had been previously spun
 - and finally begins to be evidenced – earlier historians had defended the sparsity of a Black viewpoint based on the lack of source material (laziness, prejudice or probably both?)

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- the fallacy of black supremacy is exposed as being non-existent (white people remained in positions of power in the South)
- likewise the exaggerated corruption – which in fact was much more ingrained in the North
- Finally the Ku Klux Klan came to be viewed as the terrorist thugs that they were rather than patriots acting for the honor of the South
- ❖ By the end of the 1970s the old interpretations had been reversed and Reconstruction now seen as a time of significant progress
- ❖ But the certainty diminished – in the 1980s new “post-revisionism” set in which argued
 - against the economic arguments of a second Revolution, against the barbarianism arguments of Dunning and co., and also against that of the revisionists – that this was a time of progress and opportunity, a lot of which was missed
 - and instead, that it was not a period of radicality, rather a time of status quo – the failure to match economic changes with those in politics, failure to distribute land to the former slaves, allowing the planters to retain their position and their land, racism remained rampant
 - in other words, any changes were ultimately purely superficial
 - Constitutionalism was also now seen as having been a barrier – that is, the Republicans had shied away from using the legal tools necessary to implement real societal change.
 - Education had been mostly used to discipline Black people, not empower them.
 - the lack of unity of Black people – because of class differences - had itself inhibited change
- ❖ Unlike all the other versions, which offer a radical telling of the period, albeit in different ways, the post-revisionists see Reconstruction as having been conservative
- ❖ Their argument though is not necessarily persuasive - contemporary accounts describe a time of turbulence and incredible change being experienced
- ❖ Could be seen as a post – Civil Rights skepticism in which the failures of the civil rights era to deliver on the elimination of racism and poverty seen as a repeat of the failure of Reconstruction to address adequately (radically) the wrongs perpetrated through slavery and the war
- ❖ Also, ironically, this version could be seen to relegate Black Americans again to a position of passivity and powerlessness – accepting too easily the dictates of governments and/or not understanding the consequences of laws, regulations, ordinances, etc.
- ❖ In the late 1980s some of the inadequacies of the “post-revisionist” argument came to the fore, and again
 - the revolutionary nature of Reconstruction is emphasized
 - this time, though, it is not of the agrarian to industrial economic sort, nor that of corruption and revenge, but one that springs from the destruction of slavery and emancipation
 - and, while imperfect, sets an agenda for future generations – and that remains contemporaneous.

1.6: Reconstruction Historiography Today

- ❖ In the wake of 9/11 there has been renewed consideration of the violence and elements of terrorism that played out in the Reconstruction period, for instance
 - in Mississippi (Nicholas Lemann “Redemption”)
 - the 1873 Colfax massacre in Louisiana
- ❖ A new national focus, that is, not purely concerned with the South but looking at the entire nation – after the war, the North was also being “reconstructed”
 - also Westward – the Indian Wars, the subjugation of the Plains Indians – before the War, huge parts of the West were controlled by Native Americans but in the aftermath there is a national surge
 - Reconstruction seen as a continuation of the Civil War’s drive to national consolidation.
- ❖ Also, in the last decade, as American imperialism has entered the discourse because of wars in Iraq and Afghanistan, scholars have begun to consider the imperial motivations of the Reconstruction era
 - the acquisition of Alaska
 - an attempt to annex the Dominican Republic
 - climaxed later with the Spanish-American war
- ❖ Further, scholars identified an internationalization of the “failure” of Reconstruction that informed racist policies in “Anglo-Saxon” countries like Australia and South Africa – herein proof of the inadequacies of non-white peoples and the impossibility of functioning multi-racial democracies
- ❖ But as well as a historiography that was “expansive”, there was also a new interest in all the “little” Reconstructions
 - geographically – different places undergoing different forms of reconstruction, dependent on history, populace, circumstance and at different rates of time
 - gender – the experience of women (black and white) being significantly different to that of men
- ❖ Generally, the new histories are concerned with both the disappointments and accomplishments
 - emphasis on freedom (the abolition of slavery) ultimately not fulfilling its promise of equality and fraternity
 - political and civil rights not enough to guarantee equal citizenship
- ❖ The end of Reconstruction is normally dated at 1877, but really the “long” Reconstruction period stretches into the new century at time in which a new racial system is imposed in the South

1.7: My (i.e. Eric Foner's) Career and Reconstruction

- ❖ His book: Foner, E. (1990). *A short history of Reconstruction, 1863-1877*. New York: Harper & Row. There's a longer version!
- ❖ Professor Foner voices his frustrations that the Dunning interpretation still persists in the public space – public history, museums, memorials, markers
- ❖ That there have been some recent advances in presenting the history of slavery, but Reconstruction still remains controversial, too complicated (but he agitates still!)
- ❖ Emphasizes how Reconstruction is an excellent example of how historical interpretation changes and how much it matters, and influences, the present society.

Section 2: Meanings of Freedom?

2.0: Introduction

Here we discuss the idea of freedom; its role in the American experience – socially, politically and economically. With the destruction of slavery, came the necessity to consider freedom in a larger national context – black and white, Northerner or Southerner, of whatever political persuasion, each had their own definition and understanding of what freedom is, or should be. To this end, the struggle over Reconstruction can be viewed as a conflict over the meaning of freedom.

2A: The Problem of Freedom

2.1: What is Freedom?

- ❖ In the 19th century, through emancipation, migration, change in labor status, many people are gaining new freedoms, but many are not – e.g. in terms of the United States, former slaves are sometimes benefitting from free labor but sometimes moving only into some form of indentured labor; many small, white farmers in the South have moved from the security of ownership into debt and its consequences.
- ❖ Freedom, as a concept, is fundamental to understanding the Reconstruction period and what came after
 - and Freedom after the abolition of slavery was defined based on one’s definition of slavery itself; whether slavery was
 - coerced labor, racial inequality, an entire “system” – social, political, or all of these
 - is Freedom an individual or group entitlement?
 - what inequalities were inherent to slavery, and what are inherent in the larger society?
 - how free is “free labor” anyway?
- ❖ the consequences of emancipation dominated the Reconstruction period
- ❖ importantly, the interrelated question of land and labor, and especially what form of labor was to replace slave labor on Southern plantations.

2.2: Blacks and Freedom

- ❖ What is Freedom for the former slaves? Does it relate directly to their experience of slavery? Or the hopes they had after emancipation? Or from their observations as to how freedom was lived out amongst the white population?
- ❖ Broadly though, freedom was autonomy and independence from white control of their lives, and was tested in many ways.
 - changing their names from that of their former owners, or to names with aspirational flare like Hope, Chance

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- The creation of the independent black churches is illustrative of this desire to be in charge (for the first time) of their own destiny – these become integral to black community life and the platform for political engagement
- Education is immediately identified as the path to their betterment in society
- Some hit the roads (again, for the first time) – converge on the cities in the hope of work other than in the fields, but mostly they remain within their locality
- this movement is often driven by the desire to reunite separated families
 - marriages are being legalized
 - newspapers and the Freedmen’s Bureau are full of notices from former slaves seeking out relatives who had been sold to another plantation or into a different State
 - The Bureau is surprised that they had so little to do with orphans – children without parents were just about always absorbed into another family, sometimes related and sometimes not – this saying immediately something about the importance they placed on the institution of family

2.3: Gender and Reconstruction

- ❖ Men and women experienced the transition very differently as they moved into a free society in which the status of women was shaped by coverture, that is, that her legal identity rests with that of father or husband
 - requires a whole range of permissions
 - she can not sign contracts
 - earn wages of her own
- ❖ This, a view often held by Black ministers with a very patriarchal view of the family structure.
- ❖ And also many Northern abolitionists and the Freedmen’s Bureau whose critique of slavery included the notion that Black men were deprived of their rightful place as the head of a family
- ❖ Reconstitution of Black families included, therefore, the subordinate role of women – this created of course tensions as Black men tried to assert their patriarchal authority.
- ❖ Differences were obvious also through the fact that some Black men had served in the army, women not; Black men would soon gain suffrage, women not.
- ❖ So the new society they were entering was introducing a new hierarchy between the genders. Freedom was granting Black men new powers, Black women were not.
- ❖ But Black women were learning how to assert economic independence, e.g. through personal bank accounts with the Freedmen’s Savings Bank (technically illegal).
- ❖ Black men knew only too well the abuse that their female family members had been subject to during slavery, and were alert to their welfare, and Black women were actively cautious – e.g. refusing live-in domestic positions.
- ❖ There is a labor shortage on the plantations
 - the former slaves refused to work “slave” hour
 - they refused to allow their children to work
 - fewer women were prepared to work in the fields – again they were imitating a role they saw in white society where the woman’s role was a familial, domestic one.
- ❖ There is a politization of everyday life – what the freed slaves see as an assertion of their new freedoms, white southern society sees as insolence. Misunderstandings, at the

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least, ensue, but more often than not, violence. A power struggle on the streets is beginning - about freedom, power, authority – which will be mirrored in the institutions of government.

2.4: The Land Question

- ❖ Who is going to own land and how will labor be organized – this becomes a major question. Even during the Civil War, some things were in motion that would effect Reconstruction
 - taxation imposed on the States by the Federal Government, tax commissioners
 - land seizures and sales to pay these taxes – Sea Islands, for instance.
 - the Confiscation Acts – which theoretically at least allowed for the confiscation of rebel held property
 - Sherman’s “Field Order No. 15” which distributed 40 acre land packages to African Americans on the South Carolina and Georgia coast.
- ❖ One of Andrew Johnson’s first acts in 1865 was basically to provide for the restitution of most of this land back to its pre-War owners
- ❖ The attempts of the Black population to resist were put down – the Freedmen’s Bureau tried to adjudicate – those who wished to stay would have to do so under contracted labor conditions. The idea of “free” labor is being challenged.
- ❖ The former slaves feel (and were!) betrayed. The differences between former masters and former slaves are irreconcilable.

2B: The Land and Labor Questions in Reconstruction

2.5: The "Labor Question"

- ❖ With their oft assertion that wage earning is not true freedom, former slaves, again, are repeating a view embedded in Northern thought and spoken by Abraham Lincoln.
- ❖ A white view during Reconstruction held that, whilst they may be free from slavery, that does not mean they are entitled to economic autonomy – envisaged presumably is that they should return to the plantations as hired workers.
- ❖ Typical views on labor – on one hand, the notion people (that is, Black people!) are inherently lazy and do not want to work, and on the other, Lincoln’s maxim of free labor being that people need incentives to work – for a better life, for their families, a promise of opportunities
- ❖ There is the belief (mostly by Southerners) that the Black people were more productive as slaves, would not work as laborers, and were inclined to a life of pure subsistence rather than contributing to a market economy (that is, wanting to maximize their income and their consumption).
- ❖ It soon becomes clear that the question: will Black people work on a plantation under white supervision? is to be answered with a forceful: No!

2.6: Land, Labor, and the Black Codes

- ❖ Cotton remained the most important export crop - there was a fear that Black people, should they be given land, would choose not to grow cotton, and this would be very disruptive in the market place
- ❖ There is in the south a lot of uncultivated land – often occupied by former slaves (squattling) - that the new (white) governments set up by Johnson wanted to protect
- ❖ Laws known as Black Codes, recognizing certain elements of freedom, were enacted in 1865 and 1866
 - they legalizes black marriages
 - they allowed for ownership of property (with some restrictions)
 - they can go to court to testify against other black people (not white!)
 - and they stipulated vagrancy laws
 - This latter, basically said that all blacks of adult age must be contracted through an entire year to a white employer
 - should you not sign such a contract you would be considered a vagrant
 - it follows, that if you were working for yourself (probably farming) you were a vagrant
 - as a vagrant you would be fined – if you could not pay the fine you would be auctioned off to a white bidder who would settle the fine and to whom you are then bound for one year (!)
 - also, it was illegal for one planter to hire away laborers on another plantation
- ❖ Mississippi made it illegal for Blacks to own land outside of cities to protect the plantations.
- ❖ These laws were short-lived - the Freedmen’s Bureau and then Congress with the Civil Rights Act of 1866 invalidated most of them
- ❖ The point though is, that these attempts to embody in law a restrictive access to land and the freedom to choose one’s means of subsistence, are illustrative of the Southern view of how the land and labor should be organized.

2.7: The Freedman's Bureau

- ❖ What is it?
 - It is not the agent of the former slaves
 - nor of the planters
 - **It is** the agent of the “free labor” ideology of the North.
- ❖ Its purpose was to impose a system of free labor to replace that of slavery in the South
 - to some extent then they have a shared interest with the planters in getting the freed slaves to go back to work on the plantations
 - at the same time, they are defending free labor rights – reasonable wages, conditions, mobility
- ❖ The Bureau was established at the very end of the War to deal with the transition out of slavery into freedom. It dealt with just about everything
 - labor, poverty, violence, welfare, legal matters, education
 - it had about 900 agents throughout the South – by 19th century standards it was an exceptionally progressive institution

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- however it was never large enough to be able to cope with the all that needed to be done
- ❖ By the time it ended in 1870
 - there were a quarter of a million students in Bureau schools
 - hospitals and health care facilities established
 - many employer/employee disputes had been arbitrated
 - food etc. distributed to the needy
 - intervened against violence
- ❖ And, always the Bureau is trying to implement the ideal of “free labor” as the most effective organization of work; provided that it is incentive based.
- ❖ Also, at this time is the beginning of “black politics” in the South
 - meetings, conventions, resolutions being put forward
 - some of these resolutions praise the work of the Bureau
 - mostly they are supportive of it as an alternative authority, countering the power of the white planters who still controlled most of the land
- ❖ And, land ownership was still the objective of many blacks
 - but in retrospect, 40 acres, or whatever, probably would not have alleviated their situation as much as they believed
 - in the 30 years or so after the War small farmers faced dire circumstances (& this was so worldwide)
 - trade was becoming more global and centered on industrial output rather than agriculture
 - an overproduction of cotton
 - access to resources is limited for the small farmer – credit, tools and machinery
 - this all culminated in a populist uprising in the 1890s (by white farmers who had been forced into debt and tenancy) demanding changes
- ❖ The struggle was not just economic but also political
 - the white planters were alarmed not just at black people owning land but at them being allowed to vote
 - the refusal of the white South to accept the reality of emancipation leads to two major reactions
 - the political organization of the Black populous in the South
 - and in the North, outrage that the governments in the South are attempting to reverse the outcomes of the Civil War
- ❖ The Black Codes and the use of state power to impose very much an “UN-free” system of labor will lead to one of the greatest power struggles in US history, culminating in a remarkable period in which the Constitution and laws are rewritten.

Section 3: Andrew Johnson and Reconstruction

3.0: Introduction

In this section, we shift the focus to Washington D.C., and the immense political struggle that develops between President Andrew Johnson and the Republican controlled Congress; a struggle that would eventually end in Johnson's demise.

We consider Johnson's own personal motivations, and how the governments he installed in the South were unable to accept the outcomes of the Civil War, and particularly the end of slavery, and how increasingly alarmed Congress and the Northern public became with the directions being taken.

Finally, how Congress was able to begin to move toward a fundamental redefining of the rights of American citizens.

3A: Reconstruction under Andrew Johnson

3.1: Andrew Johnson

- ❖ Andrew Johnson was nominated for VP in 1864 – whether Lincoln was particularly supportive of this is not definitively known
- ❖ He was a Southern unionist, had retained his seat in the Senate after Tennessee seceded, military governor of Tennessee during the War, harsh on rebels, popular in the North
- ❖ Seen to be representative of a Southern white Unionism (the numbers of which seem to have been exaggerated) that many in the Republican Party (including Lincoln) sought to win over
- ❖ Historians have widely diverged in opinion – early on Dunning thought him to be an incompetent who squandered opportunities but by the 1920s he had been recast in a heroic light - as a defender of the Constitution, had stood up to the Radicals, tried to stand up to the rise of “black supremacy” in the South. Then, in the 60s and 70s his reputation again sank.
- ❖ Today, Johnson is regularly polled to be at, or near, the bottom of Presidential rankings.
- ❖ Many theories have been floated to explain Johnson's fall
 - that he had an outdated vision of the country
 - that his views were representative of those of the the poor white Southerner
 - that he was not incompetent; that he had a policy, and that was to appeal to racist sentiments and form about him a white coalition from North and South to counter the Radicals
 - or that his primary interest was in getting reelected
- ❖ He grew up poor in East Tennessee, represented non-slaveholding white farmers, opposed to the planter class (but not to slavery!)

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- ❖ Without any of Lincoln's personal qualities - he was inflexible, stubborn, could not accept criticism.
- ❖ Nor Lincoln's political acumen - little connection to the Republican Party, ignorant of Northern public opinion, lacked the ability to compromise and work with Congress
- ❖ But the call of "incompetence" is too easy – Johnson had been elected to, and occupied, offices at every level of the political system (such a claim is reminiscent of that of a "blundering generation" being responsible for the War).
- ❖ Reason enough to accept that he saw himself as being representative of the poorer white Southerner – that the planter class that had been responsible for secession had been defeated and the white yeomanry were now poised to take a position of power.
- ❖ Johnson was a racist, and seems to have believed in a conspiracy of sorts, such that should black people be given the right to vote they would vote with the planters. He believed that blacks should have absolutely no political role in Reconstruction. He voiced opinions, and publicly, they were overtly racist – e.g. "barbarians"

3.2: Reconstruction and the Constitution

- ❖ However, the stance taken by Johnson to empower the white yeomanry did not last – within a few months of taking office he was aligning himself with the planters in the South
- ❖ There is some evidence to suggest (Foner poses this theory) that his change in position came out of the black militancy of 1865
 - he was alarmed, as were many white people
 - by the conventions and meetings
 - the seizure of land
 - labor demands
 - he seems to have come to the conclusion that only the planters had the power to control the black population
- ❖ Johnson's approach to Reconstruction was based on secession basically never having happened – that treason had been committed by individuals, and that states' rights still held true.
- ❖ From this, it follows:
 - that all that had to be done was ensure that governments were reconstituted in the Southern states and normalcy returned.
 - that all the issues being agitated upon in the North, by the blacks – citizen rights, voting rights – were state matters and as such to be determined
- ❖ Though Johnson was inconsistent here in terms of state rights, when he demanded that the states ratify the 13th Amendment.
- ❖ There were Constitutional problems
 - There was "constitutionalism", i.e. that is that people wanted policy to comport with the Constitution. But, the Constitution does not even imagine a Civil War scenario, nor what should transpire in its aftermath
 - With the abolition of slavery, the "three-fifths clause" becomes obsolete, and it follows black people in the South will now be counted as a whole, increasing the population. And, it further follows that in reapportionment in 1870 the South will

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- gain in representation. (Not difficult to see that this runs counter to having lost a war, and would irritate in the North!)
- And in terms of state rights. The Radicals proposed that the rebel states should revert to territorial status.
- But, the Republicans as a whole put forward a position of so-called “forfeited rights”, that is, that by seceding they had forfeited for some rights and the federal government will have the authority (for a time) over these
 - this included though a “guarantee clause” for a “republican” style government
 - Republicans thought this a way of remodeling the South within a Constitutional frame work
- ❖ In summary, there cannot be a simple constitutional answer to the complexities of Reconstruction, because (in its present form) it did not envisage the situation at hand.

3.3: Johnson's Plan of Reconstruction

- ❖ Johnson becomes President in April, 1865, and introduces his Proclamation of Reconstruction in May
 - he insists that it is Lincoln’s plan (a myth)
 - that white Southerners (with some exceptions*) must take an oath of loyalty to the Union (as Lincoln had also requested)
 - and would then be pardoned for crimes committed and have their property (with the exception of slaves) restored
 - the exceptions are high officers of the Confederacy (Davis, etc.) and anyone with property valued at more than \$20,000 – the planters. These people would have to individually seek a pardon from the President – this, an attempt to keep the planter class out of the political process.
 - such a plan, was clearly not Lincoln’s intent – he thought that the planters had to be included in the process
- ❖ A second proclamation set out his plan for creating new state governments
 - he appointed provisional governors – mostly Union loyalists during secession and the War
 - they would be mandated to
 - call state conventions
 - rewrite state constitutions (to abolish slavery)
 - ratify the 13th Amendment
 - repudiate the Ordinance of Secession and Confederate debt
 - then call elections and set up new governments
- ❖ No other demands were made upon them
- ❖ Only those who had been pardoned and had the right to vote in 1860 would be allowed to vote – that of course would exclude all black people
- ❖ White people would be totally in control of the process of Reconstruction
- ❖ Johnson insisted black suffrage to be a matter for the States to decide – knowing of course that they would never pursue this

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- ❖ Johnson's plan goes into effect in summer and fall of 1865, and it is immediately clear it doesn't give the expected results
 - loyal Unionists amongst the yeomanry were not elected to major offices, rather Confederate leaders who were known and more organized
 - many had indeed opposed secession, but in the end had accepted the Confederacy – the Northerners were naturally enough very suspicious of them
 - the individual pardoning system breaks down - people flock into Washington and the White House is besieged every day by applicants and their agents.
 - by the end of 1865, 14,000 individual pardons had been granted – instead of a careful process it had become a wholesale process, and the hope of excluding the planters had failed.

3.4: Presidential Reconstruction in Operation

- ❖ Johnson's policy was further discredited by the interim governors he appointed, though Unionists, they were well aware that the electorates were predominately Confederate.
- ❖ Some Southerners openly claimed that they were better off with the assassination of Lincoln and a Johnson presidency, that rejoining the Union was a humiliation, that Dred-Scott was still the law and that black people could not be citizens nor could they vote.
- ❖ The conventions meeting in the various states
 - were viewed with suspicion by the North, as there appeared to be little sign of repentance or will to change
 - most ratified the 13th Amendment – but some with codicils modifying the role of Congress in internal state affairs, and Mississippi not at all
 - “Black Codes” were passed with the intentions of forcing the former slaves to return to work on the plantations with few rights, and even fewer in society
 - South Carolina refused to repudiate debts incurred under the Confederacy
 - no state provided for a black vote, nor for the education for black people
 - most states did provide for some relief for Confederate veterans
- ❖ And the elections brought to various offices of power, not the white “upcountry” Unionists (like Johnson himself), but Confederates – former generals, planters, many unpardoned
- ❖ Another of the myths of Reconstruction is that the North was unduly vengeful and harsh on the South - plainly not true: the Union army was disbanded or sent west, only one Confederate commander executed; this based on the premise that giving rights to the black people is some sort of horrendous punishment.
- ❖ By the fall of 1865, the conduct of the new Southern governments was increasingly becoming a matter of grave concern in the North – disgust at the “black codes”, reports of violence against former slaves and Northerners. This was not what a war had been fought for, nor so many lives lost.

3B: The Republican Congress

3.5: The Radical Republicans

- ❖ The most alarmed were the Radical Republicans
 - though Johnson had never spoken about black rights, he had a great deal about treason and on punishing Southern rebels and traitors, and so they had some sympathies for him
 - within a couple of months any expectations they may have held were totally dashed
- ❖ Who and what were the “Radical Republicans”?
 - Through the first half of the 20th century historians held them to be a minority and agents for Northern capitalist insurgence in the South
 - military rule would allow them to further their ideology there
 - likewise giving the right to vote to black people
 - Positions relating to equality issues and black rights were a façade in their pursuit of an agenda based on the Northern capitalist model – high tariffs, hard currency
 - such does in fact not define the Radicals – questions relating to tariffs were disputed throughout the North and along the lines of industry (New England manufactures had little use for tariffs but they were strongly favored by the iron industry in Pennsylvania)
 - Wall Street and finance industry were pro-Johnson
 - and amongst the Radicals there were divisions on the question of tariffs e.g. Thaddeus Stevens was for high tariffs, Sumner supported lower tariffs
 - and in terms of money, many in the North favored a return to specie payments and making paper money obsolete as legal tender
 - In fact, in 1865, what defined the Radicals was in fact their call for black suffrage, as previously it had been Emancipation
 - conservative and moderate Republicans were opposed to black suffrage (and represented districts likewise inclined), the Radicals represented constituencies that tended to support suffrage (elections were coming up in 1866!)
 - several Northern states held referendums from 1865 through to 1868 on state constitutional amendments to allow blacks to vote – only in Iowa did it pass. It is clear the Radical’s position was not a very popular one in the greater electorates.
- ❖ Thaddeus Stevens when Congress comes into session gives three reasons for his (and the Radicals) support for the black right to vote
 - firstly, because it is right – all men should have the right to vote
 - secondly, it will keep the rebels out of power in the South – there are not enough white Unionists to prevent the ex-Confederates regaining control
 - and, finally, it will keep the Republican Party in power – the Democrats are traitors and Republicans embody the good of the nation and the will to reconstruct the country which can only be done with the full participation of the black population
- ❖ The Radicals were not a majority within the Party, but they had great influence because in this time of crisis they had a clear vision, and this articulated through Stevens
- ❖ and his commitment to a radical reconstruction of Southern society, the destruction of the planter elite and full security for African Americans – and through this secure control of the national government for the Republican Party.

3.6: Congress and Johnson

- ❖ As Johnson's proposals began failing and losing favor, so did the Radicals gain in support, but the obstacles were great
 - they were a minority in Congress
 - the constitutional tradition of federalism – most of the issues pertaining to rights were governed by the states
 - there was a post-War desire for a return to normalcy and away from crisis
 - laissez-faire, limited government – a desire for limits of the federal government's involvement in the South
 - racism – a white man's government still had a powerful hold – not just among Democrats, also other conservative elements
- ❖ Given all these obstacles, moderates turn towards the Radical positions
 - the crisis itself, and the impasse between Johnson and Congress is the driving force
 - to overturn the presidential vetoes, the Congress needs two-third majorities, and that encourages unity within the congressional Republican party – six out of seven of Johnson's vetoes are overturned
 - it means compromise, and moderates have to accept some of the Radical agenda
- ❖ In December 1865 Congress assembles and sits into the next year
 - Johnson announces Reconstruction to be over
 - loyal governments established in the South
 - basic rights of the freed people guaranteed
 - 13th amendment ratified – enough states have ratified it, such it was now part of the Constitution - slavery is irrevocably abolished
 - newly elected Southern members of congress (mostly ex-Confederates) are there, but are not called into the chamber (Republicans voted against them being seated)
 - the Radicals take the initiative and introduce a bill repudiating the new governments in the south and calling for black suffrage – that is resoundingly rejected
- ❖ Lyman Trumbull (for the moderate Republicans) put forward a bill to modify Johnson's plan, including an extension to the Freedmen's Bureau beyond March 1866 when it was due to expire
- ❖ Johnson's veto of this bill, becomes emblematic of the the strife ahead
 - the veto is based on his conviction that the freedmen should under no circumstances receive federal assistance (after all, poor white men never have – an early example of the idea of reverse discrimination)
 - further, Johnson insists that no legislation to do with Reconstruction should be passed until the southern representatives are seated
- ❖ At first they fail (by one vote) to overturn the veto, but eventually do so the next year (and the Bureau remains operational until 1870)

3.7: The Civil Rights Veto

- ❖ The final breach came with the Civil Rights Act of 1866
 - one of the most important laws passed in US history
 - also initiated by Trumbull – to cement into federal law basic guarantees for the rights of former slaves; not be overturned by the states

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- ❖ The Civil Rights Act (which can be seen as having the intent of overturning the Dred Scott decision and the Black codes) says
 - that all persons born in the United States are citizens of the United States – birthright citizenship – the first statutory definition of citizenship in American History
 - these citizens must enjoy equality in certain rights
 - free labor, property ownership, entering into contracts, access to the judicial system, protection of their persons
 - the right to vote is not mentioned
 - “...all citizens must enjoy these rights in a way equal to those of white persons...” – pre-War “white” was used in a way such as to exclude others, now it is more the base from which others are included
 - “...no law or custom in a state can deprive citizens of these basic rights...” opens the door to discriminatory practices not grounded in specific laws
- ❖ To be enforced, ironically!, the Fugitive Slave law was referred back to; whereby state and local officials could be sued by individuals and punished if they violated the constitutional principle
- ❖ Because of this “enforcement” principle the 1866 Act is in fact stronger than that of 1964
- ❖ And, the 13th Amendment to the Constitution has in fact given Congress the right to instruct and deny states in respect to the issue of freedom - the amendment defines freedom to extend to the market place, and the freed slaves to be seen as equal competitors in that market place.
- ❖ This bill is also an example of the nationalization impulse springing out of the War – citizenship is now legislated for on a national level, and the rights granted with it likewise.
- ❖ The federal government is now the custodian of citizens rights, and has jurisdiction over state rights – like the Black Codes
- ❖ Johnson again vetoes – again, on the basis of states’ rights; again, with his reverse discrimination argument
- ❖ Precursors many arguments to this day on the federal role in legislating on, and expanding the rights, of disadvantaged citizens
- ❖ Moderates are left with the choice between going with Johnson or the Radicals
- ❖ Johnson’s Civil Rights veto polarizes Congress; signals the beginning of the greatest political struggles in US history, and sets the stage for the 1866 elections.
- ❖ How the Northern public would respond was unclear.

Timeline March 1865 – March 1866

March 1865: Freedmen’s Bureau established

April 1865: Andrew Johnson assumes the presidency

May 1865: Andrew Johnson outlines first program for Reconstruction

February 1866: Andrew Johnson describes Thaddeus Stevens, Charles Sumner, and other Radical Republicans as traitors to the government

March 1866: Andrew Johnson vetoes the Civil Rights Act

Section 4:

4.0: Introduction

In this section we consider one of the most momentous episodes in American history; the re-writing of the Constitution and the changes in laws during 1866 and 1867, and in the aftermath of the Congressional impasse and escalating conflict with Andrew Johnson, and with the intention of redefining citizenship, the rights and responsibilities of citizens and how they were to be enforced.

Firstly, we look at the Fourteenth Amendment which rewrote the Constitution to establish the principle of equality before the law for all citizens. Then, in 1867, with the Reconstruction Acts, Congress sought to establish in the South the first interracial political democracy (for men!) in American history. And finally, the Fifteenth Amendment which afforded the right to vote irrespective of race. The laws and Amendments of this period continue to provide the legal basis for struggles for equality in our own time.

4A: Rewriting the Constitution

4.1: The Fourteenth Amendment

- ❖ By the Spring of 1866 an impasse had been reached between the Republican controlled Congress and President Andrew Johnson
- ❖ Republicans were now committed to having anchored in the Constitution what they saw as being the consequences of the Civil War – beyond legislation that would be easier to repeal by a future Congress.
- ❖ Issues had now come to the fore that needed to be resolved
 - Southern representation with the end of the three-fifths clause
 - possibility of African-American suffrage
 - civil rights protections for the former slaves
 - loyal government in the South & keeping ex-Confederates out of positions of power
- ❖ The Joint Committee on Reconstruction was established
- ❖ Many proposals were considered, and finally a text was formulated for the Fourteenth Amendment
 - John Bingham, Congressman from Ohio, was the lead author
 - he contributed especially to the first section – originally a list of rights he then composed it as a statement of general principles (so that it may be elaborated upon and interpreted by future generations of Congresses, courts)
 - it was passed in committee (of 15) by a series of 8-7 votes, then was debated in Congress.
 - in terms of “original intent” the process itself makes that difficult to ascertain – that of the interest groups that lobbied for it? the Joint Committee? the Congress? the state legislatures that also ratify it? – this problematic keeps lawyers in business to this day!

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- The opposite idea is that of “a living Constitution”, such that Bingham seems to have envisaged, that is interpreted contemporaneously e.g. school segregation Brown vs. Board of Education, gay marriage Lawrence vs. Texas
- **Section 5** of the 14th Amendment, as was so with the 13th, makes a clear statement of realigning the balance of power, away from the states, and placing matters of citizenship and rights under Federal jurisdiction. It is the Federal government that is the authority and protector of citizens’ rights. Here they sought to redress the misuse, abuse of power by states in respect to slavery, but also the Black Codes.
- As Charles Sumner says: “The federal government is now the custodian of freedom”

4.2: Sections of the Fourteenth Amendment

- ❖ **Section 4:** *The validity of the public debt shall not be questioned...*
 - the Republicans were concerned that should the Democrats get into power they may attempt to repudiate the debt caused by the Civil War
 - implication is also that the Southern banks were immediately bankrupt and Confederate debt could not be repaid
- ❖ **Section 3:** *Nobody can hold office...who took an oath of allegiance to the United States and then went to the Confederacy ...*
 - to curtail ex-Confederate leaders being appointed to positions of power
- ❖ **Section 2:** Pertains to representation in the House – complex formulation
 - before the War – based on the free population plus three-fifths of the slave population
 - recognizes the States’ rights in regulating voting
 - penalizes them should they not give African-Americans the right to vote
 - the first time gender – “male” - is used in the Constitution, as a defining category (except for the Presidency qualifications and the masculine pronoun - “He must be a natural born citizen ...”

4.3: Section 1 and Its Significance

- ❖ **Section 1** though is what Bingham formulated such that it is the precursor of the clauses to follow, and in which birthright citizenship is anchored.
 - The granting of citizenship for all those born in the United States, irrespective of race, parentage, language, circumstance, is a rare example of true American “exceptionalism”.
- ❖ From this follows three fundamental principles
 - Privileges and immunities of citizens
 - over time this has come to mean basically that the Bill of Rights has been incorporated such that states must adhere to federal law in regards to citizens’ rights.
 - Due process of law
 - and equal protection under the law
 - interpreted differently over time
 - but what it does do is, for the first time, introduce the notion of “equality” into the Constitution.

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- and under which aggrieved individuals or groups can appeal on matters relating to equal rights
- As intended the 14th Amendment allows for interpretation over time, but its emphasis on “states” has complicated adherence to and respect of individual rights in greater society and in the market place.
- The amendment is a compromise; it is a set of principles without guidance to their implementation; the language is convoluted and open to interpretation

14th Amendment

Citizenship Rights, Equal Protection, Apportionment, Civil War Debt

Passed by Congress June 13, 1866. Ratified July 9, 1868. The 14th Amendment changed a portion of Article I, Section 2. A portion of the 14th Amendment was changed by the 26th Amendment

Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Timeline 1866-1869

May 1866—Riots in Memphis result in massacres of African Americans

November 1866—Radical Republicans score major victories in congressional elections

March 1867—Congress approves Tenure of Office Act, overriding Johnson’s veto

August 1867—Johnson suspends Secretary of War Edwin Stanton

February 1868—House of Representatives impeaches Johnson

May 1868—The Senate comes one vote short of the two-thirds majority needed to convict Johnson

July 1868—Fourteenth Amendment Ratified

March 1869—Johnson leaves presidency

4B: Toward Black Suffrage

4.1: Women and the Amendment

- ❖ The women’s suffrage movement saw the 14th Amendment with its emphasis on “male” citizens (see Section Two) as a betrayal. After all, they had stood firm with the Radical Republicans through abolition and the War, and saw the Reconstruction period as the time in which they too could further their demands for rights for women (all women).
- ❖ In this respect, common law (coverture) intersects with constitutional law and equal rights.
- ❖ Women had interest not just in voting rights, but also the right of access to “free labor”, and the benefits that it afforded – advancement, economic independence, opportunities in the market place.
- ❖ Questions were raised concerning the institution of marriage. Many demanded equitable divorce laws and equitable division of property. (Some states didn’t even allow divorce, often they had to prove adultery by the husband, custody of the children mostly went to the husband).
- ❖ At the same time, former slaves are flocking to get married, and marriage is being promoted by the Freedmen’s Bureau. And, most white women still see marriage in a traditional light, and as a sacred union.
- ❖ Most Republicans saw Reconstruction as a time in which black men should be granted the traditional role denied to them through slavery, that is, as head of the family and household.
- ❖ This is the severing of the historic connection between the abolitionist and women’s movement. (A consequence of which are the racist tendencies that became a part of the women’s suffrage movement into the 20th century.)

4.5: The Election of 1866

- ❖ The 14th Amendment is passed and must be ratified by three-quarters of the States – it becomes the major issue of the 1866 Congressional elections
- ❖ Andrew Johnson supports candidates who support his Reconstruction agenda – tries to form a new political coalition through a National Union Convention, but his support is mostly confined to Democrats
 - his efforts to rally support in the North is greatly hindered by the outbreak of racial violence in the South during the summer of 1866, leading to the deaths of many African Americans (and some whites) - this cementing the view in the North, that white Southerners are unwilling to accept the results of the Civil War.
 - against tradition, Johnson sets a precedent and actively campaigns in the North for congressional candidates who support his policy
 - but this is a disaster – exchanges with the public are full of platitudes, threats of bitter reprisals, self-aggrandizement and/or self-pity, accusations of ignorance – at the end, any support Johnson may have had, has evaporated
- ❖ The result of the elections gives the Republicans a sweeping, more than two-thirds majority, in both houses of Congress – rendering Johnson all but irrelevant
- ❖ But the 14th Amendment is still up in the air, because to get to the three quarters at least some of the Southern states have to ratify it.
 - one after another, and egged on by Johnson and northern Democrats – ‘if you don’t ratify the 14th, there won’t be black suffrage’ - the Southern states reject it but huge majorities.

4.6: The Reconstruction Act of 1867

- ❖ Moderate Republicans who thought they could guarantee the rights of the former slaves through the Civil Rights Act and 14th Amendment but maintain the new southern governments put in place by Johnson, were now faced with the absolute intransigence of those governments.
- ❖ When Congress meets in December 1866 (through to March 1867) the moderates have concluded that there is no alternative but to legislate for male black suffrage and replace the governments in the South.
- ❖ Thaddeus Stevens favored indefinite military control until the South had stabilized. He also proposed that time be taken to redistribute planters’ land amongst the former slaves - this proposal (of course!) got nowhere.
- ❖ In Jan-Feb 1867 a bill passes the House for military rule in the South, it goes to the Senate (where additions are made), returns to the House
- ❖ and **The Reconstruction Act of 1867** is passed
 - the pivotal law of this period – referred to as Congressional Reconstruction or Radical Reconstruction
 - sets the terms of Southern readmission
 - divides the South into five military districts
 - no legal government now exists in the South
 - a temporary measure
 - responsible for instigating voter registration and new elections

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- ❖ These southern elections will see for the first time in US history a significant amount of African Americans allowed to vote – the beginning of inter-racial democracy in America
- ❖ At the same time, those who, under the 14th Amendment could not hold political office (that is, ex-Confederates of rank and/or power), could not vote - a disenfranchisement that is sometimes exaggerated, the number is in fact not so large.
- ❖ The elections will be for constitutional conventions to create non-discriminatory constitutions for the states – the “non-discriminatory” factor suggests the reasons for the disenfranchisement of the above! – and to ratify the 14th Amendment.
- ❖ When both these factors are adhered to by any given State, Congress will move to readmit their delegates and, it follows, their state to the Union.
- ❖ This Act is also a compromise – it follows the Radicals in that it provides for unconditional black (male) suffrage but military rule is not indefinite and its purpose is for the states to be quickly restored to the Union.
- ❖ But the fact remains, only two years after the abolition of slavery and the end of the Civil War, former slaves are being incorporated as equal participants in a political democracy
- ❖ And this huge leap (of faith, into the dark!) came out of the political crisis itself - out of Johnson’s ineptitude and intransigence that moved moderates towards radicals – and just a little the other way – uniting the Republicans with a common cause in Congress.
- ❖ It took a hundred years for the agenda of Reconstruction and the enacted rights to be actually guaranteed (in the wake of the Civil Rights movement and the social changes of the 1960s)

4.7: Impeachment and the Fifteenth Amendment

- ❖ A consequence of the Act’s implementation being through the military, is the problematic associated with Johnson’s role as Commander-in-Chief – and he takes a position of obstruction. This Congress seeks to rectify this
 - firstly, with a law which states all military orders must be issued by the General-in-Chief – and that is the lauded Ulysses S. Grant who the Republicans believe to be immune to threats from Johnson, and whom they trust to curtail any actions to undermine Reconstruction
 - they also pass The Tenure of Office Act – that means any cabinet members, judges, etc. who have to approved by Senate consent cannot be removed without the consent of the same – this mostly to protect the Secretary of War Stanton, a Radical.
- ❖ The Radicals want to impeach Johnson – but that raises the question about what exactly can be construed as “high crimes and misdemeanors” as stated in the Constitution – certainly not incompetence, bad character, racism or any other personality traits.
- ❖ But, Johnson in fact does remove Stanton from office in breach of the Tenure act, and it is this that leads to his impeachment in the House, but the Senate comes up one vote short of the two-thirds required – some had been convinced that Johnson would cause no more trouble and only had about a year to go of his term, and others didn’t like the idea of a Radical (Ben Wade, chair of the Senate) taking over.
- ❖ Ulysses S. Grant was quickly nominated as the Republican candidate in the elections of 1868, that he then wins.
- ❖ These elections will also be the last time that the Democratic Party runs on a ticket that is explicitly racist – ‘ a white man’s country ... let white men rule’

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- ❖ After Grant's election Congress now tries to put African-American suffrage into the Constitution
- ❖ The **15th Amendment** is brief :

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation

- ❖ The Radicals had wanted a more affirmative amendment, like 'every male citizen has the right to vote'.
- ❖ The 15th Amendment is written such that it leaves open the possibility of denying the right to vote based on not explicitly racial reasons – to this day it has been so interpreted and states create exclusionary measures – IDs, literacy, incarceration – that implicitly effect minority populations. And again, gender is omitted!
- ❖ This marks the end of the Constitutional revolution, so to speak, that defined the Reconstruction period, and remains relevant today.
- ❖ There was the hope that this marked the beginning of a new national identity in which people, irrespective of race, were equal under the law.

Section 5: The Republican Coalition

5.0: Introduction

This section is concerned with the establishment of new governments in the South in 1867 in the wake of the Reconstruction Act, and both the demise of the Johnson presidency and the planter class of the South. The Republican Party is now in control in the South, and the new governments are defined by the African-Americans (both former slave and former free blacks), carpetbaggers (white Northerners in the South) and scalawags (southern whites who joined the Republican party). We consider both the overlapping and divergent interests of these three groups within the Republican coalition, and who their political leaders were.

5A: The Emergence of Black Politics

5.1: "Black Reconstruction"

- ❖ It is 1868, and the so-called Radical Reconstruction has been enacted by Congress, bringing with it universal male suffrage
- ❖ The Republican Party which had barely existed in the South before the Civil War is on the verge of coming to power in all of the southern states.
- ❖ Instead of by those seen as the natural leaders (white, elite Southerners) by many, power would be in the hands of carpet-baggers, scalawags, and African-Americans; disfunction, corruption, etc. was sure to ensue!
- ❖ It would be the first time a significant number of African-Americans would hold positions of power and influence.
- ❖ African-Americans are the largest block in the South, but it varies – about 60% in South Carolina to maybe 25% in, say, Tennessee. But several states had a majority or almost so – Mississippi, Georgia, Louisiana, Alabama
 - Irrespective, the Black population was underrepresented in higher political office
 - only in Louisiana and South Carolina did the state constitutional conventions have a black majority
 - only two (out of 65) black US Senators and 14 (out of 200) House members during Reconstruction
 - This far from the feared “Black Supremacy”.
- ❖ African-Americans did play significant roles at the local level though – as J.P.s, school board officials, tax assessors, sheriffs – and this tended to be in the plantation counties that had black majorities but were also where the wealthier (white) land-owners lived and therefore the most affluent counties. This probably influenced the “felt” white experience that their localities were being controlled by former slaves.

5.2: The Black Officeholder

- ❖ The former slaves were of course mostly unskilled laborers, plantation workers, and most were illiterate – few had the opportunity to gain any education
- ❖ But the four and a half million Black people in the US were not a homogenous group, unqualified for leadership roles, they were in fact a diverse mix:
 - before the war there were a half million free blacks – more in the South than in the North
 - particularly in South Carolina and Louisiana – where the educated, qualified amongst them quickly took a lead in political organization
 - but also smaller groups in, for example Virginia, Alabama
 - there were those who had served in the Army
 - also, ministers, teachers, skilled artisans
 - or just people with good moral judgement and leadership qualities
 - many were farmers - some owned land and had a modest amount of assets
- ❖ These then are the sorts of men who became the first office holders during Reconstruction – contrary to the view of them being an ignorant group unprepared and unqualified for their new positions of authority.
- ❖ There were also any number of newspaper editors and political functionaries who take up positions in the Republican Party.
- ❖ The number of African Americans holding office in any state was approximately proportional to the population of African Americans in that state.

5.3: Some Black Political Leaders

- ❖ The two African Americans in the Senate during this period were Hiram Revels and Blanche K. Bruce
 - Hiram Revels – first African American in Congress; elected to see out Jefferson Davis term for about a year in 1870 – born free in North Carolina – educated in a school for black children there – studied at a seminary – became a missionary for the African Methodist Episcopal Church – a chaplain for a black regiment in the Union army
 - Blanche K. Bruce – born a slave in Virginia; the son of the master a slave woman & so had privileges – which included an education – ran away at the start of the Civil War, organized black schools, spent some time at Oberlin College in Ohio. He went to Mississippi in 1868 – bought a plantation, become reasonably wealthy before being elected to the Senate in 1875
- ❖ Jonathan J. Wright was a black lawyer from Pennsylvania who came South with the Freedmen’s Bureau – became the first African American ever appointed to a State Supreme Court when he was appointed to the South Carolina court.
- ❖ Francis Cardozo – another son of a white slave owner and a black slave, born in South Carolina. Received a divinity degree from University of Glasgow and returned to serve as superintendent of education in South Carolina during Reconstruction.
- ❖ Robert Elliot – also from South Carolina – perhaps born in England, his origins are not totally clear. He was a free black prior to the Civil War – served in the House from 1871-1874

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- ❖ Robert Smalls – South Carolina – his actions during the War made him a Union hero, after the War he set up a powerful political power base in Beaufort (Sea Islands), held a series of offices all the way through until 1913: member of Congress, state legislature, state constitutional convention, collector of customs
- ❖ Tunis Campbell – a Northern freeman who worked in the hotel and restaurant business in New York before the war & wrote a fairly widely read book called “Hotel Keepers Guide” – came south with the Union army and became a major political leader on the Georgia Sea Islands.
- ❖ The Gibbs brothers from Pennsylvania
 - Mifflin had been in public office in Canada and became a powerful figure in Arkansas politics
 - Jonathan was a graduate of Dartmouth and became a commissioner of education in Florida.

5B: White Republicanism and Reconstruction

5.4: Local Leadership and the Black Community

- ❖ The local black political leadership – aldermen, supervisors, educational officials, etc. – emerged rapidly after the Civil War
- ❖ and this due to the black conventions, and most especially when the black vote was granted in 1867, leading to a proliferation of political organizing that went beyond the cities into rural areas
- ❖ black women can't vote or hold office (except for maybe postmistress!), but they do participate enthusiastically in organizing, in political rallies and marches, they express their views
- ❖ Black people are clear in their expectations – they want nothing less than the rights afforded to white people; this is for them what freedom is.
- ❖ This political dimension is happening within something greater – the creation of a modern black community
 - beyond that which had previously existed – these new communities revolved around drama and literary societies, benevolent organizations
 - and at their center, the black church
- ❖ Before the war, religion was practiced often in secret, and on the plantations the white ministers that were sometimes brought in preached a Christianity based on servitude, whereas for the slaves, it was the Exodus story that drove them – the promise of freedom. There were also some biracial churches in the cities, but these too were ministered by white clergy, and often black people were segregated.

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- ❖ The independent Black church evolves very rapidly during Reconstruction – within a few years there are almost no African-Americans in these white dominated churches anymore
- ❖ By 1876 there are a half a million people in black Baptist churches in the South – by far the largest denomination. Also Methodist churches established by black ministers from the North. Many black preachers go into politics.
- ❖ The church becomes the center of everything
 - political organizing center
 - social center
 - for schools and education
 - communities police themselves – monitor the behavior of their members
 - religious language begins to suffuse black politics
- ❖ There were also divisions amongst the Black office holders
 - they were also not homogeneous – they came from different backgrounds, they had different ideas and priorities
 - two major lines of division were between
 - former slaves and those who had been free Black
 - and along lines of wealth
 - which sometimes overlapped – the free Blacks tended to be wealthier than the former slaves
 - there is an argument (relating to South Carolina) that, for instance, the distribution of land to former slaves was not only torpedoed by Johnson and Congress, but also the Blacks that had been free who considered that property had to be earned (in the spirit of the “free labor” doctrine). There is a counter argument in respect to Mississippi that was controlled totally by former slaves but also did little in terms of land redistribution.

5.5: Carpetbaggers

- ❖ Contrary to their actions pertaining to the church, the greatest portion of African Americans were not fundamentalist in their political approach – they wanted full inclusion in society and equal rights, and pursued white political alliances to realize this.
- ❖ African-Americans needed the support and cooperation of the North, and saw this coming only through interracial coalitions (unlike the separatist approach they followed in respect to setting up their own churches).
- ❖ The “carpetbaggers”
 - were maligned as poor Northerners who went South to reap the spoils of office, manipulate the former slaves and turn them against their former masters
 - a purely political term – used only for those who aligned themselves with the Republican Party.
 - fact is: many were ex-soldiers who remained in the South or came southward at the end of the war in 1865 – which had nothing to do with the Black people (who did not have the vote at this time) nor for holding offices of any sort, rather to seek new opportunities and start a better life (in fact initially welcomed by many southern whites). Others – teachers, missionaries, etc. – came to try to help improve the lives of the former slaves.

5.6: Scalawags

- ❖ Carpetbaggers were small in number and, though (because of Northern connections) they held a number of offices, were insignificant as a voting block.
- ❖ There were more of the so-called “Scalawags” – they were white, native-born Southern Republicans during the Reconstruction period
 - maligned as even worse as the “carpetbaggers” because they were natives of the South
 - basically two groups
 - old Whigs, relatively well-to-do (even planters), who had opposed secession but went along with the Confederacy
 - saw advantage of aligning with the Republican Party – in the interests of business and investment - & were prepared to accept equal rights for the Black people – but also envisaged a South in which they would be in power and keep it out of the hands of radical forces from the North. (See, James Alcorn as an example of how limited this idea went.)
 - poorer whites from the upcountry – is the largest group – from northern Georgia and Alabama, eastern Tennessee, western North Carolina
 - some had been Unionists from the beginning, others had turned against the Confederacy because of impressment, taxation, twenty negro law
 - they loathe the planters and do not want them in positions of power
 - after Johnson’s plans fail, they see black suffrage as the only means to keep the planter class out of control, and are willing to compromise to achieve this
 - it is actually these upcountry scalawags who lobby for the disenfranchisement of former Confederates (unlike the Blacks who are for universal suffrage)
 - beyond this, are economical concerns. These people mostly own their own farms but come out of the war heavily in debt – the Republicans are proposing for these people “homestead exemptions” that protected their property against collection
 - interesting, is that that Black members of the constitutional conventions support this measure – one could have thought it would have been in their interest to have more land available for former slaves, but saw the greater long term gain in forming coalitions with these white farmers and did not want them to become embittered and turn against the goals of Reconstruction.
 - In summary, the years 1867-69 are really revolutionary – new political groups enter the fray – the small farmers, the poor women of the South, now the former slaves. There is a feeling of exhilaration, optimism, new ideas. The South has been jolted into modernity. “...the Republican Party is the party of progress, civilization, popular government, equal liberty, education and elevation of the masses, brotherly affection towards all men”. What will become of these aspirations?

Section 6: Southern Republicans in Power

6.0: Introduction

In this section, we consider the new southern governments that came to power in 1867-68; each state had drafted constitutions that complied with the Reconstruction Act and new governors and legislatures installed.

We examine what the new governments attempted to accomplish; what succeeded and what failed, and why. On the positive side, the first state-wide public school system in the South, and one which African-Americans participated, was created, civil-rights legislation enacted, and the beginnings made in modernizing and diversifying the economic landscape. However, the desire of many former slaves to have their own property was not addressed, and corruption flourished.

6A: The Reconstruction Governments

6.1: New Constitutions

- ❖ Under the Reconstruction Act each of the Southern states has to adopt a new constitution – delegates for constitutional elections are elected & new constitutions formulated, adopted and then ratified by the electorate.
 - they were largely based on contemporaneous Northern constitutions
 - none placed restrictions on the Black vote, but some tried to hinder the ex-Confederate's eligibility.
 - they democratize the governments, in that many offices are made elective (where previously Governors had almost sole power to appoint) – and this empowers local constituencies.
 - property ownership and taxpaying were eliminated as voter qualification
 - new bills or rights were passed – equality before the law, civil and religious liberties
 - capital offenses were reduced
- ❖ These constitutions were not radical, but they brought the South into line with those of the Northern states.

6.2: Public Education

- ❖ One of the main achievements was the establishment of the first statewide public school systems in the South; for blacks and whites, and financed by local property taxes
- ❖ Previously, education had been in private hands – Black education had started in the Civil War years and in its aftermath was encouraged by the Freedmen’s Bureau and religious missionary and aid societies from the North
- ❖ There was incredible enthusiasm within the Black communities – the importance of literacy and education to their chances in society was clear
- ❖ Many southern whites, particularly the planters, were hostile to Black education – they saw it is an impediment to their work in the fields, that it would encourage dissatisfaction and resentment.
- ❖ Many were also hostile towards the teachers out of the North (many of them women) – accusing them of spreading incendiary ideas, instances where they were ostracized from the community,
- ❖ It was also the first time many poor white children were able to benefit from a public education
- ❖ It took some time for it to evolve – school houses had to be built, monies appropriated, teachers, planning, etc. – but by the 1870s the system was operating reasonably well and hundreds of thousands of children, black and white, were in school; many of them for the first time.
- ❖ By the end of Reconstruction, increasingly more teachers were Black. Many coming out the black colleges that were also created (and exist still) in the South (e.g. Howard, Southern) during this period. These first graduates also become a part of an emerging, but still small, African American middle-class or professional class.

6.3: Segregation and Civil Rights

- ❖ The schools were generally speaking segregated – not by law, and some states like South Carolina and Louisiana even prohibited racial segregation
 - white people though sent their children to white segregated schools
 - and most black people were pleased to be able to send their children to school, and whether they were segregated or not of secondary concern
 - in South Carolina their was a bid to encourage early childhood learning as a catalyst to breaking down barriers, but mostly local authorities set up separate schools anyway.
 - only in Louisiana was there extensive racial integration of the schools
 - the legislature passed a law prohibiting exclusion on racial grounds
 - in 1870 in New Orleans the Republicans mandated integrated schools – at first a lot of white students withdrew but quickly returned
 - one of the first things the Democrats did when they came back into power at the end of Reconstruction in 1877 was repeal the integrated education laws
 - Most of the universities were segregated – to avoid the conflict of integrating the existing universities, black institutions were created.
 - an exception being the University of South Carolina where it was mandated that Black students must be admitted

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- ❖ Education is just one aspect of what came to be known as “public rights” – the question of how issues of race are to be treated in the public space, within public facilities and institutions.
 - to this end there were many laws culminating in the Civil Rights Act of 1875 forbidding discrimination based on race in a public facility (not schools though) which was overturned by the Supreme Court in 1883
 - there were state laws requiring equality before the law
 - South Carolina had laws which fined businesses - even jail terms for the proprietors - for racial discrimination
 - Louisiana Bill of Rights of 1868 insisted on equal rights in all licensed businesses and transportation
 - before the Reconstruction Act was passed, there were instances in several southern cities of sit-ins on street cars - black people demanding to be transported – and the military being sent in to order their safe carriage

6B: The Postwar Southern Economy

6.4: Origins of Sharecropping

- ❖ Public institutions, either through intent, design or evolution, were very often separated from the end of the Civil War and through the Reconstruction period.
 - mostly the Black population were not terribly concerned with the question of integration/segregation
 - in terms of schools, most Black parents actually wanted Black teachers for their children and were realistic in recognizing that having Black teachers meant having separate schools
- ❖ The Reconstruction governments must reconcile the interests of their Black constituents with those of the majority white Southerners.
- ❖ The economic plight of course is paramount – despite the wreckage left in the wake of the war, it is relatively straight forward to restore an agricultural based economy, but (farming) land was an issue
 - many Blacks wanted land but Congress failed to address this, as did most of the States
 - South Carolina was an exception; whereby the State acquired land and resold it under reasonable terms, such that by the end of Reconstruction about 10% of African Americans in SC had purchased land.
 - various debt relief programs benefitted mostly the white small farmers who already owned land
- ❖ A system of so-called “sharecropping” arose
 - in which a portion of land is farmed, and at year’s end the harvest is shared with the owner
 - sharecropping may be seen as a compromise to the benefit of both parties
 - the owner has property but requires workers, and the worker doesn’t have any land but needs to work.
 - in other words; a compromise between the white (planters) need for labor and the Black desire for some economic autonomy

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- to that end the land is worked mostly in family units, there is freedom to work the land as they will
- for the planters it is a way of getting their land worked without day to day wage costs – many were in debt and unable to pay wages.
- there were different variations of sharecropping
 - the divvying up at the end of the year was dependent on which party provided for implements, seeds, fertilizers, etc.
 - the most important distinction was, whether the piece of land being farmed
 - was rented from the planter; then the renter owns the crop and gives the land owner his share as rent, or
 - was done so as a wage earner; in which case the planter owns the crop and gives a share back to the farming family
 - it is clear this second option leaves the sharecropper family in a place of jeopardy – the owner’s debts may be such that there is little left to share!
- ❖ Under Reconstruction, the tenancy version of sharecropping was prescribed as law. After Reconstruction the law was changed to the opposite – that is, defining the sharecropper as a wage earner with no claim to the crop until it is shared to him by the owner.

6.5: The Crop Lien and Its Consequences

- ❖ Reasonable as it may seem, sharecropping has a pernicious effect because of its attachment to the credit system of the South
- ❖ Because the value of land had dropped radically, only with the guarantee of their crop could planter and share farmer alike expect to get credit needed to hold them over from one harvest to the next.
 - this is called a crop lien – to borrow money one has to pledge a share of the future crop
 - merchants set up shop locally and distribute the credit that they have negotiated from financiers in the North (where the money is)
- ❖ The result of this system is,
 - that only cotton is grown –
 - which means cotton production quickly returns to pre-War levels
 - it also means the relatively high market price begins to fall, and does so for thirty years
 - & that the South moves further into a one-crop economic disaster

6.6: Economic Reconstruction, Black and White

- ❖ Sharecropping, though, was not a racial system – there was, in fact, all the way from 1880 through to 1940 more white sharecroppers than Black; though a greater proportion of the Black population in the South were sharecroppers than that of the Southern white population.
- ❖ For the first time white farmers start growing cotton (to get credit!) – previously cotton was grown on the plantations and small farmers were mostly subsistence farmers.

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- ❖ But the trajectory of both populations are opposite – Blacks are moving up from slavery whilst the whites are forfeiting their own land because of debt and being forced into tenancy arrangements.
- ❖ By the 1890s there is a populist agricultural uprising in the South – a desperate attempt to change the credit system
 - that is not regulated, and fraught by corruption and very high interest rates
 - in which people find themselves trapped in a spiral of debt
- ❖ But the systems of sharecropping and crop liens stay fairly well intact until the Depression in the '30s and the Agricultural Adjustment Act, massive migration of African Americans from the land and the mechanization of cotton picking.
- ❖ Could initiatives have been taken during Reconstruction that would have helped to alleviate the problems?
 - perhaps a massive (re-)distribution of land
 - or a state organized and regulated credit system
- ❖ The new governments did reform the lien laws, such that the first lien was granted to the workers (“laborer’s lien”) – but at the end of Reconstruction that was overturned and the merchants were again prioritized and the laborers demoted.
- ❖ Reconstruction promoted political and civil equality, but the economics (especially on the land) remained fundamentally unaltered.
 - Only during this short period, was the African American population able to use their newly granted political powers to at least mitigate the economic inequalities.
 - In other words, there wasn’t an economic revolution of the radical sort that was unfolding in society and in government.

6.7: The Problem of Corruption

- ❖ Corruption was used as an argument against Reconstruction, and this directed primarily towards the new governments that spent too much money and were beholden to the demands created by Black suffrage.
- ❖ But, expenditure was high because
 - basically, the citizenry had doubled
 - and their requirements accordingly (e.g. schools)
- ❖ During Presidential Reconstruction, financing was through a poll tax (i.e. an individual person tax), but in the Radical Reconstruction they move to a general property tax (which of course mostly affects the white population)
- ❖ States also had to borrow money, meaning they carried heavy debt loads.
- ❖ Railroad building was seen as a major source of corruption.
 - In an effort to promote economic growth and diversification, the States offered aid to railway construction (and factory building)enterprises.
 - and the railway companies would lobby, bribe members of the legislature to get the charter on a given route.
 - mostly these were speculators and marginal sorts (because most of the serious operators and investors from the North were more interested in investment opportunities in the West)
- ❖ The worst corruption was in Louisiana – “ ...was corrupt before Reconstruction ...& after...when Republicans were in power ...& when Democrats ... It is always corrupt”

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- ❖ Two basic reasons for the corruption
 - firstly, there was great deal of money coming into and out of the state treasuries – and therefore the potential is there
 - secondly, very many of the new governmental officials were poor, or of modest means – again, a temptation to secure a good living while they were in office (after leaving they would often find they had lost touch, were often ostracized)
- ❖ So, there was indeed a lot of corruption, but corruption was endemic throughout the United States during this period. Corruption was neither a byproduct of Reconstruction nor of Black suffrage.

Section 7: The End of Reconstruction

7.0: Introduction

Considering the end of the Reconstruction era, we firstly consider the violence that engulfed the Southern states; and its terroristic characteristics of secrecy and intimidation, driven by armed groups (Ku Klux Klan and others), and solely in the interest of restoring white supremacy.

We look at how governments at all levels reacted to the terror, including federal intervention, and the role this played in bringing Reconstruction to an end, and the role the North played in the ultimate demise of an ideal (of racial equality) they had so championed.

Finally, we end with the presidential elections of 1876, and the ensuing political “bargain” of 1877; marking the formal end of this remarkable epoch of American history.

7A: The Klan and Reconstruction

7.1: The Problem of Violence

- ❖ After Appomattox, Robert E. Lee resisted pressure to proceed with a guerilla type war, insisting that such would lead to further disruption of Southern society - more death and destruction.
- ❖ What did ensue though were extreme undercurrent tensions and an insidious, creeping violence that eventually exposed itself in the actions of the Ku Klux Klan and other such organizations against the former slaves.
- ❖ The new governments and their constituents mostly took their democratic mandate seriously, but were resisted by, and under constant pressure from, the white, supremacist minded (and Democratic aligned) parts of their populace.
- ❖ Violence after the Civil War followed three phases:
 - 1. In 1865-66 directly after the War ended (when Johnson was still President) – took the form of sporadic violence, mainly labor disputes resulting from the abolition of slavery – not organized, in the chaos of the transition period, mostly perpetrated against Freedmen.
 - 2. Political violence – arose with the installation of the new governments; opposed to black political power and with the intention to restore white supremacy; initiated by groups that evolved into the Ku Klux Klan or like & led by people like the ex-Confederate general, Nathan B. Forrest – loosely organized, not centralized or hierarchical rather operating locally.
 - after initial successes, they were suppressed by federal government intervention in 1870-71
 - 3. And, then their return in 1874-76, in the Deep South (Alabama, Mississippi, etc.). They may have made the pretense of disguise, but their intimidatory behavior and violence were open and they could now act with impunity.

7.2: American Terrorism

- ❖ The Ku Klux Klan and other groups like The White League in Louisiana or The White Camellias were essentially home grown terrorist groups
 - using violence for political ends
 - intimidating or murdering specific individuals, targeting governmental figures and facilities – mostly local so as not to gain too much attention in the North
 - hindering Republican voters and rallying white voters around the Democrats
 - violence also revolved around labor issues and disputations and property issues where Blacks were involved
 - the 1870 congressional hearings into the Klan – 14 volumes (online) – are a testimony to the spread of their activities – and their brutality.
- ❖ Why did the Black population not defend themselves?
 - they did not have the armaments available to the whites, nor the experience to use them
 - they had no real tradition of violence against white people
 - and, rightly, they thought it was the government’s responsibility to protect them, so the real question is:
- ❖ Why were the state governments so ineffective in combating the violence?
 - all the governors were white and were reluctant to use militias which were predominately Black (there were few white Republicans to call upon) as they feared this would escalate the violence – in those few states (like Texas, North Carolina) with more white Republicans interracial militias actually did fight effectively against the Klan.
 - a constant tension between being found too weak and acting too aggressively
- ❖ Reconstruction is also increasingly being viewed not just in terms of the race dynamics but also those of class – for instance, in South Carolina; a narrative such that the problem is not so much that the political leaders are Black, rather, that they are poor, and have no interest in the prosperity of the state.

7.3: The Grant Administration

- ❖ Ulysses S. Grant was elected in 1868 on the slogan “let us have peace”, and it was his administration that had to deal with the rise of violence and the Klan.
- ❖ Historians in recent times have seen him in a more favorable light; for a time he did try to defend the constitutional rights of black citizens
- ❖ But mostly his administration (though not himself personally – rather considered naïve, too trusting, politically inexperienced) is tainted by political corruption.
- ❖ Corruption was inherent in politics at that time and was greatly exacerbated by the new flow of money into the federal coffers – taxation, tariffs, land sales, railroad bonds – since the end of the war.

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- ❖ Politicians (and the Parties) were dependent upon “the spoils of the system”
 - officials appointed passed on a percentage of their salary to the party
 - there was the “whiskey ring” in which internal revenue officials took bribes to cut the excise taxes.
 - Credit Mobilier – created to construct the Union Pacific Railroad – an arrangement that saw the directors being the same with those of contracted companies. This scheme depended upon the acquiescence of member of Congress (several of which were later disgraced and expelled)
- ❖ The prevalence of corruption began to undermine the unity of the Republican Party, and the Party itself is in flux
 - the old Radical group is eclipsed – some die (Thaddeus Stevens, for instance) – and
 - the leadership increasingly fall into the hands of the so-called “Stalwarts”
 - the line of division is no longer between Moderates and Radicals but these Stalwarts and an emerging group calling themselves “liberal” (the first use of this expression in American politics)
 - the Party becomes to be dominated by powerful state machines usually led by equally powerful Senators – e.g. Roscoe Conkling (NY), James G. Blaine (Maine), Oliver Morton (Indiana)
- ❖ Politics is reverting back to its Jacksonian era – much more political (the party) than ideological (issues); what matters is party loyalty, keeping the party in office, and reaping the spoils
 - the Civil War remains the dividing line between Republican and Democrat – a vote for the Republicans is a vote for the Union
 - the battle with Andrew Johnson had led to an emphasis on unity
- ❖ The Stalwarts are much more pragmatic than the Radicals
 - they are powerbrokers, they deal in votes,
 - with interest groups, like labor
 - and they support Reconstruction (votes to be had in the South!)
- ❖ In 1870-71 they push through Congress the Enforcement Act – that are specifically designed to enforce the 14th and 15th Amendments (civil and political rights) – at the end of each amendment is the clause giving Congress the right to enforce.
- ❖ The Ku Klux Klan Act of 1871 – one of the most far reaching laws in US history, pushing the constitutional revolution of Reconstruction to the limit – it makes local crimes federal offenses.
 - acts of violence intended to deprive a person of constitutional rights are a federal crime and to be tried and punished under federal jurisdiction
 - Further, the federal government can take action to suppress such crimes (even to the extent of martial law)

- ❖ The Democrats are opposed, but so too are some Republicans – to become the so-called “liberals” – who see this as taking the expansion of federal government too far
- ❖ Grant uses the Ku Klux Klan Act to crush the Klan, declaring martial law in South Carolina, sending federal marshals into Alabama and elsewhere
 - low-level members willingly implicate others and get off lightly, higher ones are tried, others flee to Canada
 - a consequence is that the 1872 elections were the most peaceful of the period
- ❖ On one hand, this showed that by sending troops, the violence in the South could be suppressed, but on the other, it led to many in North fearing that the federal government was heading towards another military entanglement, usurping local authority and violating liberty. The Republican Party’s unity on Reconstruction is beginning to fall apart.

7B: The Government and Party Under Grant

7.4: The Liberal Republicans

- ❖ Liberal Republicanism has its roots in a dissatisfaction of the growing domination of a party “machine” during the Grant presidency, and an inherent corruption
- ❖ and, increasingly, that they see this to be linked with, what they determine to be, the failure of Reconstruction.
- ❖ In some respects they echo the complaints of white Southerners – that the wrong people are in power – Blacks and carpetbaggers in the South, corrupt city machines and Stalwarts in the North.
- ❖ The rhetoric becomes increasingly elitist – and racist. “Ignorant masses”, “imported ignorance”, “hereditary ineptitude” - the poor, the immigrants, the Blacks. Giving the right to vote to the masses is only asking for trouble!
- ❖ Municipal corruption in the North is now being equated with Negro rule in the South – both exemplify “bad” government
- ❖ and former Radicals are now calling for a new policy for the South
- ❖ At the same time, Democrats have accepted that the 14th and 15th Amendment have effectively removed the race argument from the political agenda, and are also focusing on “good” government.
- ❖ So, in 1872, an odd political coalition develops between the Liberals (free trade, limited government and not to be confused with more contemporary definition; now a significant part of the Republican Party) and the Democrats.
 - The Liberal Republicans nominate Horace Greeley (ed. The New York Tribune) as their presidential candidate – mercurial, inconsistent
 - The only commonality with the Democrats was their intent on ending Reconstruction
- ❖ Greeley was a bad candidate. Most Republicans stick with Grant – who carries all of the North and much of the South. Some Southern states (e.g. border States like Kentucky, Missouri) that did vote for Greeley, had to redistribute their electoral college votes anyway when Greeley died soon after the election.

7.5: Retreat from Reconstruction

- ❖ Grant's landslide win did not secure Reconstruction, instead
 - marked continued disunity within the Republican Party
 - called the Liberals in 1872, there followed the emergence as "Mugwumps" in the 1880s
 - educated; with the belief that they should be controlling government
 - they swing between parties – Republican in 1876; in 1884 they go over to the Democrats (& help elect Grover Cleveland) – and have significant influence.
 - the main results of the liberal movement are
 - to weaken Northern commitment to Reconstruction
 - in demonstrating that Northern Republicans are not united, and
 - to encourage a fresh wave of anti-Reconstruction violence in the South
- ❖ But this is just a reflection of the change of mood in the North.
 - After declining in the years immediately following the end of the war, racism becomes more prevalent again
 - The clever Southern tactic of refocusing their political campaign
 - on political corruption
 - questioning the ability and suitability of the political leaders
 - on whether federal troops should be brought in on matters of local dispute
 - suggesting the Klan as being a greatly exaggerated phenomena
 - And these arguments that move away from an emphasis on racial inferiority, begin to gain traction in the Northern newspapers and then amongst the public.
 - The Northern business community begins to unite behind an opposition to Reconstruction
 - nobody will want to invest in a South wrought with violence
 - they sympathize with the elements of Southern society that are excluded from public office
 - Also, the 1872 election indicates to many Northerners that the Republican Party does not need the South to win
- ❖ The Republican Party is still Lincoln's party of emancipation, but is moving towards a new image as a party that protects Northern business, of high tariffs, of solid financial policies
- ❖ Another important aspect of these years is the embracing of "social Darwinism" – of trying to apply natural laws ("survival of the fittest", evolution, etc.) to human society. In terms of Reconstruction, this means that Reconstruction was seen as an attempt to intervene in the natural order of things, rather than accepting that those at the top are in fact the natural leaders, and changes of hierarchy have to evolve naturally over time and not be artificially forced.

7.6: The Abandonment of Reconstruction

- ❖ The abandonment of Reconstruction in 1877 is the culmination of the trend in Northern sentiment and that of the Republican Party over the preceding years
- ❖ One example is that of the Freedman's Savings Bank
 - after the War, the Federal government had chartered this bank to encourage thrift amongst the newly freed slaves
 - it was a private institution but was mostly housed in Freedmen's Bureau offices and tended to exude a (false) nearness to government
 - Many African Americans, some white people and organizations like churches put their savings in the Bank, and in 1873 it had over three million dollars in (mostly small) deposits, but
 - like many other banks, it failed in the aftermath of the economic depression – wiping out the savings of many African Americans.
 - petitioning by many for reimbursement of their deposits was to no avail, and was indicative of the retreat being taken in Congress from their commitment to Reconstruction.
- ❖ In the election of 1876
 - the Republicans nominate Rutherford B. Hayes of Ohio and the Democrats, Samuel J. Tilden of New York
 - the Republicans take most of the North, except New York, Connecticut and Indiana and the Democrats now control most of the South
 - The end result is disputed and rests upon Florida, South Carolina and Louisiana
 - and there follows a whole winter of uncertainty, and eventually an electoral commission is set up. A commission that in the end has a Republican majority – and calling each of the three states accordingly

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- This though was only the result of secret negotiations between leading Republicans and Democrats during the winter
 - The so-called “bargain of 1877”, which entailed
 - Hayes would be President, a Southerner would be appointed to the cabinet, Congress would give aid to a southern transcontinental railroad
 - and Federal troops who had been guarding the state houses in South Carolina and Louisiana (to keep Republican claimants in office) would be withdrawn to their barracks in the South
 - the Federal government will no longer intervene in the political affairs of the South, and the Democrats guarantee the rights of the former slaves in the South
- ❖ Basically, the Republicans retain Federal control but the Democrats that of the South
- ❖ This is effectively the end of Reconstruction – the federal government has forfeited its power to enforce the 14th and 15th Amendment and the Civil Rights Act.
- ❖ While there was some continuity after 1877 – Blacks still voted and held office, the Republican still had a presence – it was a different nation and different South.

Timeline: July 1866 - March 1877

July 1866—Ku Klux Klan founded

November 1868—Ulysses Grant elected to presidency

April 1870—New York Tribune declares “Let us have done with Reconstruction. The country is sick and tired of it.”

April 1871—Grants signs Ku Klux Klan Act

April 1873—Colfax Massacre

March 1877—Bargain of 1877 installs Rutherford Hayes in White House

Section 8: The Reconstruction of the North

8.0: Introduction

In Section 8, we consider, in the aftermath of the Civil War, the sweeping changes also happening in the North and West, and concurrent to Reconstruction in the South.

Neither as violent, nor as concerned with issues of race, the fundamental economic changes being ushered in nevertheless brought with them extreme social tensions and unrest. The rapid expansion of factory production and the widening economic gap, led to a crisis in the Republican favored system of free labor, and led to the emergence of a new militant labor movement and a dissatisfied middle-class.

8A: The Second Industrial Revolution

8.1: 1876 - The Centennial Year

- ❖ Celebrating the 100th year of independence in 1876
 - reflection, celebration, visual imagery
 - technical achievements e.g. steam-powered press, telegraph, railroad, steamboat
 - Western expansionism – based upon the Northern ideal
- ❖ World's Fair in Philadelphia – symbolic of many of the preoccupations of the time– technological progress, women's movement, cotton
 - in the midst of the worst economic depression in history
 - Black people had almost no role – not even in construction work
- ❖ The next year 1877 – The Great Railroad Strike
 - the first national strike of railroad workers in US history
 - symbolized the shift away from slavery and Reconstruction as the most fundamental problem in the country to that of the relations between capital and labor

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- signaled the beginning of about four decades of labor violence unprecedented in the Western world.
- in response to a violent attack upon Pennsylvania Railroad, the largest corporation in the nation, in Pittsburgh, that caused massive damage, the government began building armories in the cities to defend against further incidents;
 - interestingly, what they didn't do in the South to defend the rights of American citizens being threatened by violence
 - in fact troops returned to their barracks in the wake of "the bargain" were shifted to the North in July 1877 to confront the railroad strikers

8.2: The Economic Revolution

- ❖ The so-called Reconstruction in the North is a long term process and doesn't end in 1877 – it goes through the Gilded Age (after Mark Twain!) and into the beginning of the 20th century
- ❖ The Civil War created the political and institutional framework for the immense societal and economic upheaval in the North and stretching Westward in the thirty years after the war ended
 - facilitated by the ouster of the Southern planter class from federal government which had made possible policies encouraging radical and rapid growth – e.g. high tariffs, a national banking system, transcontinental railroad
- ❖ In the years between the Civil War and World War I, the US underwent the most profound economic transformation in history
 - a national consolidation of industrial capital
 - massive expansion of cities
 - the conquest of the West
 - and the subordination of the South
 - the rise of giant corporations (e.g. Standard Oil, US Steel) who controlled key sectors of the economy
 - accompanied by a rise in organized labor and violent labor conflict
- ❖ By 1914 the United States is the world's predominant industrial power – as a comparison
 - at the end of the Civil War, the US industrial output is far below that of Great Britain, by 1914 it is greater than that of Britain, France and Germany together!
- ❖ Agriculture also expands during this period
 - the settlement of Iowa, the Dakotas, Kansas, Nebraska
 - contributes to an overall expansion of productivity (with the exception of in the South!)
- ❖ But, there are also tumultuous swings in the economy - the mid-1870s and mid-'90s are periods of severe depression
- ❖ All these changes brought serious challenges to the "free labor" ideal which was conceived to encourage economic independence, was based on the mutual interest of employer and employee, and in which class conflict was an aberration.

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- ❖ Also, national politics seemed isolated from these developments, and a new economic order in society was forming almost organically.
- ❖ If the First Industrial Revolution had been centered on textiles and cotton its primary commodity, this Second Industrial Revolution was about iron and steel and the railroad.
 - the US produced 7 million ton of steel by 1900
 - railroad tracks tripled between 1860 and 1880 and again between 1880 and 1900
- ❖ Small factories decline and larger factories are becoming the norm – with 50-200 workers.
- ❖ Whilst agriculture may be still expanding, the percentage of the population engaged in agricultural work is declining rapidly
- ❖ In 1890 the Western frontier of settlement is closed – expansion has been complete
- ❖ The beginnings of an era of new communication (telegraph, telephone) and transport (automobile, airplane) that would define the 20th century.
- ❖ Importantly, there was nothing to counter or hold in rein the power of the new mammoth corporations – the modern bureaucratic state did not exist, there were no agencies or regulatory authorities
 - the corporations, through influence, bribery, campaign financing, dominated both political parties
 - and thereby were able to force their ideology of “survival of the fittest”, of the government keeping out of economic issues
 - and it follows, a widely felt cynicism about politics – by both those who benefitted and those who did not.

8.3: The Crisis of Free Labor

- ❖ Concurrently, the workforce and the population was also in a state of large transformation
 - between the the end of the Civil War and the early years of the 20th century approximately 10 million people moved from rural areas into the cities
 - at the same time as the arrival of 20 million immigrants – from new places of origin in southern and eastern Europe, like Italy, Poland, Tsarist empire (as opposed to the old influx from northern and western Europe) and (on the West Coast) also from China and Japan.
 - the cities now become the centers of industry and production
- ❖ This became a period of great inequality in terms of the wide gap between the very rich and the rest – there was no income tax to mitigate this disparity
- ❖ American workers often earned higher wages than, for instance, their European counterparts but they also worked longer hours – 12 hour shifts 6 days a week at steel mills that produced 24 hours a day – conditions were poor and unregulated with the highest accident rates in the world.
- ❖ Jobs fluctuated and were precarious - even skilled workers had to endure periods of unemployment

- ❖ These are all elements that lead to, and accompany, a breakdown of the “free labor” ideology – just as in the South, where Emancipation and its consequences during Reconstruction exposed the reality of the relationship between political freedom and economic freedom so, in the North, the extremes of class conflict clash with the notion of a harmony of interest between capital and labor.
- ❖ Many in business, academia, politics proffer “the contract” as the means by which “free labor” can be made compatible with a modern industrial society.
 - a labor contract is to be interpreted as an agreement voluntarily entered into and essentially an expression of one’s freewill
 - and once entered into, autonomous individuals have no grounds for complaint.

8B: The Gilded Age and Its Critics6

8.4: The Memory of the Civil War

- ❖ There are different “memories” of the Civil War – the reconciliationist, the emancipationist, the libertarian (in which it marked the beginnings of an all-powerful federal government), also
- ❖ “Free labor” memory – it is “white”, it saw a triumph of the “free labor” notion, but it was interested in what that meant for the every day. There are two main versions.
 - Firstly, that from a classical 19th century liberal perspective. The demands made by labor (on the government) come increasingly in conflict with the liberal view, whereby the market place regulates itself, and political interference is an incursion into individual liberty: A freely arrived at contract is an expression of freedom. The economic market not the political process is the true realm of freedom. Liberty is the right to participate in the market place without interference from government.
 - In its most radical form, this view even says that laws regulating labor are akin to slavery (!) – they deprive people of the right to dispose of their own property as they see fit.
 - The idea of “free labor” that originated in the possibilities of small enterprise has morphed into a defense of unfettered capitalism
 - This reframing of “free labor” was assisted by the jurisprudence of the late 19th century with its narrow definition of slavery as purely the denial of a laborers right to compensation, and an interpretation of the 14th Amendment such that a corporation is declared “a person” in respect to “...no state can deprive a person of life, liberty or property without due process...” It follows the argument of “freedom of contract”.
 - And, secondly, the counter view presented by the labor movement
 - the Civil War had been bad for the Northern workers economically – rapid inflation led to the decline in real wages
 - after the war the movement became increasingly active in the Northern cities – demanding eight hour days, higher wages, better working conditions
 - its influence is held in check by the economic downturn at the end of the 1870s
- ❖ Generally speaking, after the euphoria at war’s end, by the beginning of the 1870s the Northern public’s concerns had turned away from the South, and become focused on their own economic problems – this change in emphasis was to significantly impact Reconstruction, and hasten its decline.

8.5: The Labor Question

- ❖ As the economy revives and expands and the labor movement reestablishes itself in the 1880s, labor issues begin to dominate public discourse.
 - the Senate sets up a committee to investigate relationships between capital and labor
 - the movement is organized, politically engaged, publicly visible, motivated
 - the Knights of Labor is a particularly sophisticated organization – hundreds of thousands of members by the mid 1880s, recruits women and Black workers, organizes in both the industrial and agricultural sectors, both skilled and unskilled workers
 - one exception is the exclusion of West coast Chinese workers – the so-called “coolies” – who came in on long term contracts and who were unable to understand the concept of “free labor” (in the opinion of the Knights) and operated to the detriment of the American worker. (Obviously there was some racism at play here.)
- ❖ Over time, many abolitionists tended towards the labor movement; irrespective of the fact that “labor” had not been terribly involved in the abolitionist movement previously
 - they (also) identify with slavery – their perspective being that the plight of workers is akin to slavery, in that both can be reduced to loss of economic dependence.
 - freedom has not been achieved by the Civil War and the 13th Amendment
 - the Northern labor movement did little to address the plight of the former slaves, but they hijacked the language of Reconstruction – equality of citizenship, the right to “free labor” – to critique the emerging social order
- ❖ But the movement was not intent on a radical class struggle, rather attuned to a return to the harmonic ideal of earlier years – that of Lincoln, of cooperation between producers and workers, land reform. An irrepressible conflict is identified – between being captive to a wage earning labor system and a democratic system of government.
- ❖ In the South, as Reconstruction ends, the political system declines as a means through which Black people can seek to improve the conditions of their lives, and for a time it is the Knights of Labor who offer an umbrella under which they can express their aspirations - by the 1890s Black people have gathered there in huge numbers in an attempt to exert influence. (This ultimately is to no avail, but it again shows how committed these new citizens were to their new freedoms – and how unafraid they were to participate in institutions.)

8.6: Middle-Class Radicalism

- ❖ Beyond labor, in the 1880s-90s there’s the rise of an informed, opinionated middle class
 - influenced by a series of literature detailing the extremes of poverty and corruption, either factually – e.g. Henry George’s “Progress and Poverty” - or fictionally, as in Mark Twain’s “A Connecticut Yankee in King Arthur’s Court”
 - George states the problem succinctly as being one of inequality; posing questions like: Why does progress lead, not to greater equality, but to greater INequality? Why are all the enormous technological innovations benefitting only the few? As material progress advances so does poverty.

Timeline: 1869 – 1890

1869—Knight of Labor founded

May 1876—Centennial Exhibition begins in Philadelphia

July 1877—Massive railroad strike begins, helping reorient American politics around conflict between labor and capital

1879—Henry George's *Progress and Poverty* released

1886—Knights of Labor membership estimated at 700,000

1890—First year a majority of American workforce not involved with agriculture

8.7: National Politics in the Gilded Age

- ❖ These are years of stalemate on the national political front
- ❖ Between 1876 and 1896, the presidency and the houses of Congress are (almost?) never in the hands of one party.
 - from 1874 the Democrats control the House of Representatives (pretty much) all the time and likewise the Republicans the Senate
 - and the Republicans are in the White House most of the time (with the exception of Grover Cleveland's two terms)
- ❖ These divisions mean very little is accomplished, and this at a time of enormous social change
 - to which the federal government is incapable of, or has little inclination to, contribute to
 - Social Darwinism rules! The ordering of society evolves as it deems fit, and government has no role to play.
- ❖ In the South, the federal government has abdicated its responsibility in protecting the freed people.
- ❖ In the North, the Republican Party is a mass popular organization, having cemented its position at the end of the War
 - it's firmly aligned with the industrial elite (tariffs, gold standard)
 - Civil War veterans are a major constituency – the Grand Army of the Republic – their political clout meant that veterans' benefits were a major part of the economy; by the 1890s almost one-third of the federal budget was allocated to veterans' benefits, and was the primary item of expenditure of the government
 - a consequence is that these benefits were paid primarily in the North and West (a small portion to former Black soldiers in the South) meaning that the South is being left behind
- ❖ The Democrats offer few real policy alternatives – lower tariffs but not much else. They too are under the influence of “capital” – the New York financial capitalists.

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- ❖ To conclude, the 1890s will be a watershed in US history:
 - the great depression beginning in 1893 will lead to unprecedented labor strife and an agrarian insurgency and the rise of a populist movement
 - in 1894-96 the political stalemate is broken; there will be radical political realignment and the Republican Party will entrench itself as the majority party up until the New Deal
 - the 1890s see the rise of the really giant corporations
 - and at the same time, the United States enters the international stage as an empire; and with all that that implies – cooperation, expansionism
 - there comes the final destruction of the Plains Indians and the end of the frontier.
 - the consolidation of a new racial ideology in the South – with acquiescence of the North
- ❖ With the failure of Reconstruction, this new “system” in the South – its politics, economics, social and racial relations – will have enduring consequences, not only there but for the greater national history.

Section 9: New South and New Nation

9.0: Introduction

This is the final section of not just this particular course, but indeed the three course series that investigated the circumstances preceding the Civil War, the actual War years and the Reconstruction period in the aftermath to the War. We will further discuss the new system of inequality that was consolidated in the South (and with acquiescence of the entire nation), and the consequences the failure of Reconstruction had for American politics and society going into the 20th century.

The periods that have been focused upon in the series have been pivotal to the making of modern America – all the issues surrounding states rights and the rise of a powerful national state, the end of slavery and emancipation, the reframing of citizenship, race relations and the effects of industrialization. These are issues that reverberate still.

9A: The Politics of the Redeemers

9.1: Reconstruction – Success and Failure

- ❖ Returning to the South; in the generation after Reconstruction a potent new political, social and racial system was implemented – in an abbreviated form, this may be referred to as **Jim Crow**.
 - A system that was entrenched until it was brought down by the Civil Rights movement of the 1960s – a movement sometimes called the Second Reconstruction.
- ❖ Frederick Douglass described Reconstruction as “radically defective”, in that, whilst freedom from slavery and citizenship had been achieved, Blacks were not able to fully exercise that freedom, had not been granted land as compensation, nor were they protected against intimidation and violence.
- ❖ W.E.B. Du Bois described Reconstruction as a “splendid failure” – in that it failed for reasons other than expected. It did not fail because of any shortcomings of the freed slaves; they in fact showed their capacity for freedom, citizenship, work, participation in all levels of society, personal improvement.
- ❖ Reconstruction – through the passing of the 13th, 14th and 15th Amendments laid the foundation for the struggles against this new race system that would arise in the decades to come.
- ❖ Despite its failure, Reconstruction did supersede the even more oppressive plans of Andrew Johnson and the Southern Governments directly after the war; these would have left the former slaves with fewer legal rights and basically a life in enforced servitude.

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- ❖ Reconstruction created the space from which institutions – religious, educational, social – could emerge and prosper; these institutions would be the catalyst for many of the struggles yet to come (e.g. and most importantly, the Civil Rights movement of the 60s had its roots in the Black churches and colleges)
- ❖ Was the failure of Reconstruction inevitable? Moot, perhaps. The hurdles were immense – mostly everywhere in the world the end of slavery led to racism and economic dependency, just as it did in the South. What if the Federal Government had intervened to enforce the laws and Constitution? And, it follows, the basic rights of the former slaves had come to be accepted? The two-party system had become entrenched and Southern society had moved towards integration? What if...? ...
- ❖ Unfortunately, the overthrow of Reconstruction was a disaster for the African Americans and indeed the greater American society, and consequences reverberate still.

9.2: The Redeemers

- ❖ The new rulers, new governments, of the South after 1876-77 called themselves the “Redeemers”
 - – quasi-religious in tone, it is self-descriptive of those who saw themselves as having saved the South from Reconstruction, carpet-baggers and “black supremacy”.
 - they may have talked up “the Old South” but they in fact were more interested in economic development, business and did not want to return to the pre-War agrarian planter society
- ❖ They rolled back many of the policies introduced during Reconstruction, importantly
 - cutting government expenditure drastically
 - particularly for education. One of the achievements of Reconstruction, expenditure was cut back to almost nothing. And, for example, during the period from 1877 to 1900, Louisiana was the only place in the modern world that illiteracy actually grew!
- ❖ In these first years after Reconstruction, race relations remained relatively indeterminate
 - African American continued to vote in many places, especially the upper South
 - the so-called “Readjusters” rested control from the Democrats in Virginia for four years and increased financing in schools and welfare and black autonomous regions.
 - likewise in North Carolina from 1894-98 when a coalition formed between African-American voters in the east and so-called “Populists” (small farmers) in the west ousted the Democrats
 - African Americans continued to hold some offices – both local and national. After George White, congressman from North Carolina left office in 1901, not another African American was elected from a formerly Confederate state until Barbara Jordan was elected in Texas in 1968!

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- ❖ The “Redeemers” pushed their ideology of a “New South” based on industrial expansion, urban development, railroad expansion. What they failed to do was to breakup the root cause of Southern economic retardation – the plantation system and the cotton dependency – in order to free up labor and encourage investment capital and goals.
- ❖ The South, then, remained subjugate to their one-crop economy, and by the turn of the century, the “New South” was impoverished and economically dependent.
- ❖ Poverty affected both white and black, but the African American’s being at the bottom of the economic and social ladder the more so.
- ❖ The planter class, may have lost their national political power, but most retained their property and standing. Some see at this time a merger between the old planter class and the merchant class – planters became more involved in mercantile activity, supplying their tenants and sharecroppers, and merchants were buying up land and expanding their ventures. The losers were the agricultural laborer and sharecropper – black and white.
- ❖ Why didn’t more migrate into the booming North?
 - There was little bit of migration of African Americans – the Kansas “exodus” in 1879, and later in the 90s – but by 1900 still 90% of African Americans lived in the South
 - And why not? There were no job opportunities! The North was complicitous in the economic system of the South (and in the racist system), and they satisfied their giant demand for labor through the steady stream of immigration from the Old World – Poland, Czarist Russia, Greece, Italy...
 - the proof of which is in the date of the Great Migration (of African Americans) out of the South – 1914! With the outbreak of WWI, the immigration flow out of Europe was cut, and was reinforced with the Immigration Act of 1924 which sought to eliminate immigration out of southern Europe. Unable to anymore depend on immigrant labor, industries in the North began to open up low level employment opportunities, and by the 1950s-60s the majority of the African American population (for the first time in US history) are living outside of the South.

9.3: Southern Politics, Black and White

- ❖ In the 1880s, the Republican Party disintegrates in much of the South, and the Democratic legislatures maneuver to entrench their power advantage
 - through gerrymandering – such that the black vote is concentrated; minimizing the opportunities of the Republicans
 - placing official appointments (in black belt counties) – e.g. sheriffs, tax collectors – in the hands of the legislature rather than being popularly elected
- ❖ It is not yet a one party South, though. There are other fringe parties and independents – dissident whites still opposed to the planter-merchant policies of the Democratic Party aligning with African Americans. Sometimes they were successful (see North Carolina and Virginia example above) and often got 30-40% or so of the popular vote.

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- ❖ The African Americans were not disenfranchised immediately because the Southern governments were still mindful of the possibility of federal intervention – in the 1880s there was still enough talk out of the North about enforcing the 14th and 15th Amendments.
- ❖ In 1889, with Republicans in control of the Presidency and Congress, the Lodge bill which sought to enforce the 15th Amendment (and the intimidation tactics against Black voters), was rejected in the Senate. This led to an assumption in the South that they had little to fear in the way of federal intervention.
- ❖ In the following year, 1890, the Mississippi constitutional convention begins a process of disenfranchising Black voters, and other states were to follow. To surmount the hurdle set by the 15th, the following measures were taken
 - a poll tax - \$1 to \$2 to vote – to be paid months in advance and cumulative
 - literacy tests – many African Americans were still illiterate
 - a multitude of residency requirements
 - “Understanding” clauses, whereby one had to demonstrate to the registrar one’s knowledge of the state and federal constitutions.
- ❖ The largest of the insurgent groups was the Populist Party
 - some Populist leaders tried to appeal to the Black population (Tom Watson of Georgia, for example)
 - an inter-racial class alliance of poor farmers – the price of cotton is now 5 cents a pound !
 - radical proposals, like: government owned railroads, government underwritten credits (cutting out the merchants and the banks)

9.4: Disenfranchisement and After

- ❖ The Populists are popular in the South! But the Democrats use the same tactics as they did during Reconstruction –
 - intimidation and violence against African Americans
 - the rallying call of White Supremacy being in danger should the Populists gain control
 - massive voter fraud
- ❖ but they also realize they must have a more permanent solution – and that would be to withhold voting rights from the Black population.
- ❖ The rise of the Populist Party, and the fear that creates amongst the Democrats and their planter-merchant base, and the disinterest to intervene by the North, then, is responsible for the course followed towards disenfranchisement.
- ❖ By 1908-10, the Black vote has basically been eliminated in the South (until the Voting Rights Act of 1965) and the (poor) white vote significantly reduced – the latter, an outcome the Democrats were willing to accept.
- ❖ Another major element in the strategy to eliminate black, political influence was an “All-White” Democratic Party – as a private institution the 15th Amendment was not applicable and so they were able to exclude African Americans from their Primary elections
- ❖ The Democrats become more and more associated with virulent race hatred – the rise of demagogues like Vardaman, Bilbo, Watson.

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- ❖ The South becomes a collection of “rotten boroughs” – they now have a very small voting population but they have representation in Congress based on their entire population.
 - the 14th Amendment that stated that the denial of voting rates would lead to a reduced representation in Congress was never enforced by either the House nor the Courts (!)
- ❖ The same people get elected over and over again, and the South has become a collection of one-party states.
- ❖ Later, during the presidency of FDR and his New Deal, Congress is dominated by secessionist Southerners (committee chairmanship is based on seniority and many had been in office for a long time) – they may have supported many of the New Deal policies but they left their mark, for instance
 - by eliminating agricultural and domestic labor (in which 80% of the Black population worked) from Social Security
 - a housing policy that would not guarantee mortgages in integrated neighborhoods
 - a minimum wage lower in the South than in the North
- ❖ This is the legacy of the failure of Reconstruction reaching way into the 20th century, and how this affected the entire nation – a New Deal made without the perverse influence of White Supremacy may have turned out a model for a better welfare system for everyone.

9B: Post-Reconstruction America

9.5: The Jim Crow System

- ❖ Beyond disenfranchisement, racial segregation **by law** was imperative to the implementation of the “Jim Crow” system
 - segregation is not just about physical separation (however dehumanizing this may be), it is much more complex, and reliant upon the domination of one group over another through the interaction of ideological, economic and social components and underpinned by an absolute monopoly upon political power.
- ❖ Some of the elements of this system were
 - in education – a denial of fair access to education, after Reconstruction almost all state funding goes into white schools
 - convicts – a convict leasing system; a state profit making venture, whereby the large number of Black people incarcerated were leased out to work as laborers (on plantations, in mines, etc.)
 - lynching – as a form of “extra-legal” justice, murder – between 1890 and 1940 there were about 4000 lynchings, mostly in the South and mostly of Black people, and mostly for trumped up crimes often against those who sought to buck the “system”. They were public spectacles – advertised before-hand and more than just well attended.

9.6: The Supreme Court and the Retreat from Reconstruction

- ❖ Again – this system could not have existed without the acquiescence of the rest of the nation. And the Supreme Court played its role.
- ❖ Over thirty years, a whole series of case rulings whittled away at the 14th and 15th Amendments and the general principle of equal protection under law.
- ❖ The court consistently ruled in favor of State laws over Federal laws,
 - that federal law could not adjudicate in matters relating to “ordinary” crimes (basically making redundant the Ku Klux Klan Act)
 - that the non-discriminatory clauses of the 14th Amendment only applied to state actions not to private actions (thereby overturning the Civil Rights Law of 1875) – private businesses were very well allowed to “discriminate”
 - in 1896 – Plessy vs. Ferguson – holding that separate railroad cars for black and white passengers did not contravene the 14th as long as the facilities were “separate but equal”
 - this opened the door to a massive implementation of segregation by law, and in every area of life, in the South.
- ❖ People would look back on segregation (perhaps still do) as a relic of a crude era of prejudice, but it was in fact a system widely accepted by community leaders – political, academic, religious – as a progressive (!) way of approaching race relations and avoiding racial violence.
- ❖ Segregation now regulates every aspect of society (and of course never “equal”!) – public spaces, institutions, shops, hotels, restaurants, cemeteries, who one rides in a taxi with or plays chess with.
- ❖ The Supreme Court even when faced with the obvious – and absolute - disenfranchisement of Black voters in Mississippi does not accept this as a violation of the 15th – contending in the literacy, poll tax, etc. laws there was no stated “race” component.
- ❖ Because jurisprudence is based on precedent, Supreme Court decisions today are embedded with history and imbued with the consequences of decisions made more than a century ago.

9.7: America in the 1890's

- ❖ Supreme Court actions followed the reorientation of the nation in its political and racial attitudes.
- ❖ The 1890s saw not only segregation, but the final implementation of the reservation system for Native Americans, the exclusion of Chinese immigrants.
- ❖ Also, the Spanish-American war – an imperial adventure under the banner of the “white man’s burden”, and more generally the triumphant racism and almost missionary fervor of bringing civilization to non-white peoples – for example in the Philippines, in Cuba, South America.
- ❖ The notion of the Civil War having been fought and won for emancipation from slavery is being replaced with a more conciliatory view that there was honor in the motives of both the North and the South.

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- ❖ The retreat from Reconstruction happens in the shadow of this resurgence to a very narrow, racially inflected view of American citizenship.
- ❖ Matters of race become dominant in discourse – political, social, scientific, in academia and in the newspapers. Race was used to explain almost everything, and more often than not with negative attributes.
- ❖ So as much as the notion of nationhood had expanded in the aftermath of the Civil War, so now did it contract to a narrow version of itself.
 - The social movements so active in the fight for freedoms in the 19th century redefine themselves to fit with the new institutional frameworks
 - the inclusive Knights of Labor is replaced by the American Federation of Labor which has no interest in attracting Black or immigrant membership
 - the women’s movement in their quest for suffrage, disavow many of their former positions (even questioning whether the enfranchisement of the former slaves should ever have been granted), and accept the disenfranchisement policies of the South in order to get the 1920 women’s suffrage bill passed.

Timeline: March 1876 - March 1901

March 1876—Supreme Court severely limits national citizenship rights in *United States v. Cruikshank*

November 1879—Readjusters win major electoral victories in Virginia

September 1895—Booker T. Washington urges African Americans to accept segregation and focus on economic advancement in speech at Atlanta Cotton Exposition

May 1896—Supreme Court rules state-mandated segregation constitutional in *Plessy vs. Ferguson*

March 1901—George White leaves office. He was the last African-American member of Congress elected to represent a former Confederate state until 1968.

9.8: The Burden of History

- ❖ By around 1900, after more than a half a century in which slavery and its aftermath had been central to American life, a consensus had been reached in which slavery and its consequences were seen to be settled.
- ❖ Historians provided some of the intellectual justification for this
 - slavery placed in the context of a “quaint” paternalistic relationship between master and slave
 - the Dunning School that legitimated the failure of Reconstruction and the disenfranchisement of Black voters
 - writing on Reconstruction at the beginning of the 20th century is writing on what sort of America is envisaged

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- ❖ It will take another half a century before the agenda of Reconstruction is revisited with the rise of the Civil Rights movement
- ❖ Except for a minor amendment relating to the poll tax, no Constitutional amendments came out of the Civil Rights era
 - A new Constitution was not needed - the one had was only to be enforced!
 - Once enforced, the edifice of Jim Crow crumbled!
- ❖ “Revolutions may go backward” – and so it was for the African Americans when the promises of their freedom were reneged upon – in many ways, and in the North and South
- ❖ Rights in the Constitution are not self-enforcing, can not be taken for granted – it is not enough that they be documented, they must be lived. They must be vigilantly guarded against forces acting out of self-interest or mischief, protected from abuse and neglect.

Abbreviated final words from Prof. Foner: *History should be remembered but not obsessed upon. History can inspire. The series of courses began in 1850 and went on to encompass the Civil War, Emancipation, Reconstruction and the period just after. The abolition of slavery was a great achievement. One can be inspired by those who fought against slavery and who tried after the Civil War to form a nation that lived up to its ideals (as written in the Constitution) of liberty and equality – even though they ultimately failed. The legacy of slavery and the Civil War and the final rejection of Reconstruction remain very much a part of American society today – through the inequalities and injustices that remain, and that are especially apparent in the differences that still exist between the political and social norms of the former slave states and the rest of the United States. (The weight of history still weighing upon the present...?) But the struggle against slavery, itself, is also a part of the historical legacy – modern America still grapples with the ideals of the abolitionists, the Radical Republicans, the freed slavers – all of whom sought a society of equal citizenship under law. This history from 150 years ago is very much a part of the here and now, and why understanding it is so important in making a better and more equal society.*