

Reconstruction (1865 –1877)

THE GIANT AHAP REVIEW OUTLINE!

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Reconstruction During the War

- Believe it or not, the North began thinking about Reconstruction as early as **1863**. There were four basic problems that really bothered them: (1) local rulers for the South, (2) nat'l gov't control of the South [should it be the President or Congress], (3) freedom [or lack thereof] for former slaves, and (4) should they reestablish the old system or make it another revolution?

- The two main competing viewpoints on these issues were as follows...

- * **Lincoln**: Lincoln personally favored leniency, as he feared the South would continue resistance otherwise. This was reflected in his **Proclamation of Amnesty and Reconstruction** [December 1863], which introduced the **10% Plan** – i.e. once 10% of a state's population as established by the 1860 election took an oath of loyalty they could establish a gov't. This was applied in Louisiana, Tennessee and Arkansas in 1864 ["Lincoln Gov'ts"].
- * **Congress**: Congress felt the South deserved more of a punishment. Radical Republicans, led by **Thaddeus Stevens** and **Charles Sumner**, even proposed the theory of **state suicide** [the Southerners had destroyed their status as states through rebellion and had to be treated as conquered foreign lands]. This was incorporated into the **Wade-Davis Bill** [July 1864], which demanded that, to be readmitted, states had to have: (1) a majority of white citizens participating in the new gov't, (2) all voters/delegates under an oath declaring they never helped the Confederates, and (3) no votes for lieutenants and above and officials.

- Lincoln pocket-vetoed the Wade-Davis Bill, prompting the Radical Republicans to issue the "Wade-Davis Manifesto" to the papers [attacking Lincoln]. The debate was in full swing.

- Nevertheless, in early 1865 Congress and Lincoln joined in passing two key measures. One was the **Thirteenth Amendment** [January 31], which abolished involuntary servitude and gave Congress the power to enforce the law. Then on **March 3, 1865** Congress created the **Freedmen's Bureau**, a federal aid agency that was to deal with the mess created by the war. This later became controversial, as the Southerners hated it and there was a question as to its constitutionality.

Johnson Takes Over Reconstruction

- After Lincoln's assassination, **Andrew Johnson**, a Southerner, white supremacist, states rights supporter, and Unionist [he was the only senator from a seceded state to stay in the Union], took over the Reconstruction process w/o Congress [it had recessed shortly before he took over]. Basically, Johnson's whole policy can be summed up w/his slogan – "The Constitution as it is, and the Union as it was."

- But even though Johnson's plan was aiming for continued denial of black civil rights [it included the policy that black suffrage could never be imposed on the Southern states by the federal gov't], it initially seemed to favor a change of leadership in the South that would eliminate the old planter aristocracy.
- This was b/c it was stated that certain people [officers, officials, and *all Southerners w/property worth more than \$20,000] were not allowed to take the oath of loyalty that would allow them to gain amnesty. Instead, they had to apply personally to the President for a pardon.
- But the whole idea of this plan went out the window when Johnson began issuing thousands of pardons, which let many planters return to the newly created state gov'ts. Most likely, this was b/c he hoped to make Reconstruction quick [end it before the Radicals get a chance to do anything].
- So after only 8 months, Johnson declared Reconstruction complete, allowing many former Confederates to return to Congress in December 1865.

Congress Challenges Johnson's Authority

- Congress was not too thrilled about Johnson's plan, especially b/c many of the planters had begun establishing black codes on the local and state levels. Consequently, the Republican majority simply decided to directly challenge Johnson by refusing to admit the ex-Confederates.
- Congress justified its new role in Reconstruction by pointing out that the Constitution had given them the main power to admit new states. Still, there were many other Constitutional issues to sort out, such as the ever-present question whether the Union had been broken or not.
- Lincoln believed it had not; Johnson agreed but admitted the people responsible for the rebellion had to pay [in theory]; moderates favored Congressional supervision; and radicals argued that the Union was broken and the South was a conquered nation.
- Anyway, all of Congress knew that they had to have an alternative to Johnson's program ready for the 1866 elections. Since a conservative coalition was out of the question after Johnson and the Democrats insisted that Reconstruction had already ended, it all came down to the moderate and radical Republicans.
- First, they attempted another compromise w/Johnson in spring 1866 – the Johnson policy would continue w/only 2 modifications: extension of the life of the Freedmen's Bureau and the passage of the **Civil Rights Bill of 1866**, which would force Southern courts to practice equality before the law by allowing the federal gov't to take over unfair cases [but only in public acts of discrimination]. But this flopped when Johnson vetoed both bills, revealing his racism. The bills overrode his veto and passed anyway, though.

The Fourteenth Amendment and the Beginning of Congressional Reconstruction

- After that, all chances of cooperation between Johnson and Congress were dead, so Congress went ahead and began its own program, urged on by the increasing reports of anti-black violence in the South.
- The result was the **Fourteenth Amendment**, which had four key elements: (1) the freedmen were given citizenship and the states were prohibited from denying their

rights, (2) the Confederate debt was void, but the US debt remained, (3) Confederate leaders were barred from holding office, and (4) if S. states didn't let blacks vote, they were to have their representation reduced proportionally. *The last part irritated supporters of the women's rights movement [we're being ignored] and encouraged leaders like **Stanton** and **Anthony**.

- Naturally, Johnson tried to block the Fourteenth Amendment in both the North and the South, urging Southern state legislatures to vote against ratification and organizing a Nat'l Union Convention in the North and going around giving really bad speeches criticizing the Republicans ["traitors"]. To make a long story short, he wasn't exactly Mr. Popularity.

The Congressional Reconstruction Acts

- Meanwhile, the Republicans dominated the 1866 Congressional elections, which they saw as a mark of approval for their plan. Nevertheless, nothing could be done w/the planter dominated "Johnson Governments" still in the South. Therefore, Congress decided that the states would have to be reorganized.

- This decision led to a series of Reconstruction Acts passed through 1867 and 1868. The basis of the plan was established in the first **Reconstruction Act** [March 1867], in which Union generals assumed control in the five different military districts that were established in the South. The troops were charged w/supervising elections, among other things.

- The act also guaranteed freedmen the right to vote and forced S. states to ratify the 14th Amendment, to ratify their new constitutions by majority vote, and to submit them to Congress for approval. The rest of the acts, passed between March 1867 and March 1868, dealt w/the details.

- The Reconstruction Acts successfully limited Johnson's power, but some of the Radical Republicans were still unsatisfied, as their proposal for land redistribution, which they felt would provide much needed economic equality, did not win popular support b/c the North liked a limited gov't.

Johnson and Congress Struggle for Control

- Johnson continued to oppose Congressional policies, so Congress began to pass a series of laws to extend its influence. For instance, it set the date for its own reconvening [unheard of] and limited Johnson's power over the army by forcing him to issue orders through Grant alone, who couldn't be fired w/o their approval. Most important was the **Tenure of Office Act**, which gave the Senate power to approve changes in the Cabinet [designed to protect Secretary of War **Stanton**]. All of this was passed over Johnson's vetoes.

- In response, Johnson issued orders to commanders in the South limiting their powers, removed some of the best officers, and gave the governments he created in 1865 more power. Lastly, he tried to fire Stanton, which was the last straw as far as Congress was concerned.

- Consequently, Congress impeached Johnson, indicting him for violating the Tenure of Office Act. He was tried in the Senate, where the Radicals tried to prove that he was

guilty of high crimes and misdemeanors, but the measure failed to pass by one vote. Johnson stayed with only a few months left in his term.

The Presidential Election of 1868 and the Fifteenth Amendment

- In the **Presidential Election of 1868** Union general **Ulysses S. Grant** ran against and defeated the New York Democrat **Horatio Seymour**. Although Grant was not a Radical, he supported Congressional Reconstruction and black suffrage. On the other hand, the Democrats ran a white supremacist campaign.
- Both sides used the war as a campaign tactic [waving the “bloody shirt”], but the Democrats unwisely associated themselves w/Johnson and the rebels, which contributed to their defeat. Additionally, black voters helped Grant emerge victorious.
- But once in office, Grant was not the big time supporter of Reconstruction many had hoped he would be, as he never insisted on a full military occupation of the South.
- Still, during his term the Radicals were able to pass the **Fifteenth Amendment** [ratified in 1870], which attempted to write equality into the constitution by forbidding states to prohibit the right to vote based on race, color, or previous condition of slavery. The problem w/the law was that it allowed states to restrict suffrage on many other grounds [sometimes using bogus “literacy” exams].
- After the 15th Amendment, the North began to lose interest in Reconstruction, as most considered that it had been completed.

The Reconstruction Governments in Power

- So what did all these laws actually do? Well...e/t many white Southerners tried their best to sabotage black civil rights and participation in government, the new Southern Republican party came to power in the constitutional conventions of 1868 to 1870 [due in some part to enthusiastic black voting].
- As a result, the new southern state constitutions were more democratic. Furthermore, at least initially, the Republicans [some blacks, too] were elected to serve in their new governments.
- In power, the Republicans strove for legitimacy by being lenient on ex-Confederates and not going beyond equality before the law with regard to rights for blacks. This would eventually lead to their downfall as it failed to secure white support and simultaneously alienated black voters.
- The one area where all sides in the South found agreement was economics: Reconstruction laws encouraged investment/industrialization, which helped in some cases but also increased corruption and drew money away from other programs.
- Not all areas of economics were as easy to settle, however, as the question of land redistribution was very important to blacks but was not attended to by the Republicans.

The Conservative Response to Reconstruction

- Sadly, w/o a stable base of support, it didn't take very long for white supremacists to once again begin to dominate Southern government. Conservatives exploited several aspects of Reconstruction in order to regain control, such as:

- * The myth of “Negro Rule” – to unite whites, conservatives represented the new Republican gov’ts as oppression of whites by ignorant blacks. This was far from true, as e/t blacks participated, they were by no means a majority and were very effective.
 - * “Carpetbaggers” & “Scalawags” – conservatives attacked the allies of black Republicans by denouncing whites from the North as **carpetbaggers** [greedy, corrupt businessmen trying to take advantage of the South] and labeling cooperative Southerners as **scalawags**.
 - * Tax policies – b/c the civil war destroyed much of the South, Reconstruction gov’ts had to raise taxes substantially, a fact the conservatives used to draw support away from the Republicans, especially among the yeoman farmers.
 - * Corruption – this one was often true, for there were many fraudulent schemes going on all through the country during Reconstruction. However, conservatives made it seem like it was all the fault of the Republicans and blacks.
 - * Violence – white supremacist organizations like the KKK [Ku Klux Klan] persecuted blacks and Republicans in order to sabotage Reconstruction gov’ts and reestablish the power of the planter aristocracy.
- Additionally, the Republicans suffered from factionalism along racial and class lines.

The Election of 1872 and Grant’s Second Term

- In response to increasing violence in the South Congress passed two **Enforcement Acts** and an **Anti-Klan Law** in 1870/1871. But e/t the laws made actions against the civil rights of others criminal offenses and provided for election supervisors, martial law, and the suspension of habeas corpus when necessary, prosecutors didn’t really use the laws very much.
- Therefore, Klan violence continued [even after the organization officially disbanded, others took its place] and some Democrats even challenged the laws on the basis of states’ rights.
- Another problem for the Republicans was that in 1872 a part of the party split off into the **Liberal Republicans** and nominated **Horace Greeley**. The LRs were united by their lack of support for intervention in the South and an elitist, anti-regulation/free-market attitude. The Democrats also nominated Greeley, who ran on a North-South reunion type platform.
- Nevertheless, in the **Presidential Election of 1872** Grant won out, but his popularity plummeted rapidly into his second term, largely due to a series of poor appointments and corruption scandals involving high ranking administration officials. Consequently, in 1874 the Democrats took over in the House. This was the beginning of the end for Reconstruction...

The Reversal of Reconstruction

- Even prior to the Democratic recapture of the House, several laws had been passed that severely weakened Reconstruction. For instance, in **1872** an **Amnesty Act** had been passed which pardoned most of the remaining ex-Confederates. And e/t a **Civil**

Rights Act was passed in 1875, it had no provisions for enforcement and was later destroyed by the SC anyway.

- For reasons discussed above, Democrats regained control of the South pretty quickly and even won major influence in the North b/c by the 1870s the North was losing interest – a nice way of saying that they didn't give a crap anymore, esp. after the market crash in 1873, which brought another whole set of issues up and made class conflict overshadow some of the existing racial issues.

- Another thing that had a big impact on the ultimate failure of Reconstruction was the Supreme Court. In several cases the SC ruled against Reconstruction...

- * *The Slaughter-House Cases* (1873) – in these cases, the SC basically killed off the 14th Amendment by declaring that state and nat'l citizenship were two different things and that the law only dealt w/a few particular rights. So, the nat'l gov't was not allowed to oversee civil rights in the states, which had been the whole point of the law in the first place!
- * *Bradwell v. Illinois* (1873) – this case dealt w/a female attorney who claimed that the 14th Amendment defended her against discrimination. However, the SC did not agree and made (hear this!) an argument about the “woman's place in the home.”
- * *US v. Cruikshank* (1876) – this ruling hurt the enforcement clause of the 14th Amendment by once again declaring that the duty of protecting citizens' rights was the states' alone.

- Reconstruction was finally put out its misery after the disputed **Presidential Election of 1876**, which pitted NY Democrat **Samuel J. Tilden** against Republican **Rutherford B. Hayes**. Votes in several states were disputed, so an electoral commission was established that was to be balanced between Democrats and Republicans. But after one independent refused his appointment, a regular Republican took his place.

- Therefore, if Congress accepted the commission's results Hayes was obviously going to be the next President. Southerners even threatened to fight, but they finally agreed based on a deal that Hayes would be President if Reconstruction would end and the North would give the South economic aid.