

## **Reconstruction of the Union**

During the war the question arose, if the North won, what would be the status of the enslaved African Americans.

Many whites in the north assumed the slaves were incapable of surviving without white “protection” or “oversight.”

**The Port Royal Experiment**, which began in 1862, challenges this racist assumption.

When white planters flee their rice plantations to escape the war, black slaves work small farms in coastal South Carolina.

They not only succeed in raising rice, they establish schools with white and black teachers from the North.

They establish a black church that becomes a quasi-government.

Residents prosper but have no legal rights.

When the war ends, the white planters return; blacks forced to leave – experiment fails, but it did provide a model for how southern society *could* have been “reconstructed.”

## **Conflicting plans for Reconstruction**

Lincoln vs Congress 1863-1865

1863 – Emancipation Proclamation frees all slaves in areas held by the Confederacy (but *not* slaves in areas held by the Union.)

Lincoln → lenient; 10% plan; if 10% pledge loyalty, agree to abolish slavery, and repudiate Confederate debt, the state can re-enter the Union.

President hopes to convince southern states to give up the fight if they could get back in the Union easily.

Congress → Who says the president gets to decide? Congress should determine the course reconstruction takes.

In particular, many Congressmen are concerned that Lincoln, as president, has accrued too much power by justifying his actions based on the wartime state of emergency. As a result, Congress has lost power and does not wish to lose any more.

Radical Republicans in Congress support a tougher policy to punish rebels; Wade-Davis Bill → 50% (not 10%) must pledge loyalty, etc.

At first it appears public opinion is willing to follow President Lincoln's lead and prefers a lenient approach to Reconstruction. So, Lincoln refuses to sign the bill.

Congress and the President are a loggerheads. Lincoln decides a "cooling off" period may be in order, so he takes a break....and goes to the theater.

Lincoln assassinated, April 1865.

John Wilkes Booth, a southerner, is the assassin. It comes to light that Booth's associates had planned to kill Vice-president Andrew Johnson and Secretary of State William H. Seward.

To northerners, these coordinated attacks appeared to be a coup d'etat – an attempt to overthrow the government and reverse the verdict of the war.

As a result, an outraged public demanded a harsher approach to Reconstruction. This was exactly the opening the Radical Republicans in Congress had hoped for.

Though they were in the same political party as Lincoln, they objected to what they considered his lenient approach to the South. The new President, Andrew Johnson, was known to hate the Southern Planter class. This led the Radicals to believe he shared their vision for a thoroughly reconstructed social order in the South.

Johnson did hate the planters and liked to see them grovel – he personally issued 13,000 pardons in two years.

Johnson mistakenly believed the Confederates had learned their lesson and that the planter elite would be replaced in leadership positions by people like himself – small business men and small farmers who are looking to make money and put the war behind them.

But despite the setbacks of the war, the planter leadership remained in power. Newly constituted southern legislatures issue Black Codes that essentially dusted off all the old laws governing slaves and simply replace "slave" with "freedman." In reality, African Americans are "free" in name only.

Some blacks do move after the war --- better to work for a stranger than someone familiar who still thought of you as a slave.

But Blacks can't buy land – no capital; their only skills are low wage skills; no way to save; no access to credit.

Blacks are non-citizens; can't vote; serve on juries; testify against whites. Annual labor contracts tie them to one plantation; in some states employers can whip employees; "vagrants" -- blacks who can't demonstrate proof of employment are given back to their former owners or put to work for the state.

Black codes enacted by southern legislatures convened under Johnson's "presidential restoration" precipitate an angry reaction from Congressional Republicans.

They soon realize that while Johnson may have hated the planter class, he hates blacks even more. This precipitates a split between Congress and the White House.

Making it worse, Johnson's plan allows leaders of the Confederacy to be elected and returned to Congress. This angers the Republicans in Congress who deny the ex-confederates entry into the House and Senate chambers. Under the constitution, it is their right to do so.

They announce that they will develop their own plan of Congressional Reconstruction.

In essence, Johnson wants "restoration" – to restore the South to the way it had been before the war, absent slavery.

Radicals in Congress want "reconstruction" – to rebuild the South in such a way that its social and economic structure are totally different. They want to take power from the planter elite and give it to those at the bottom of society – the freedmen.

The Radicals' desire for a fundamental shift in how southern society is constituted and how power is distributed makes them *radical*.

Some Radicals even call for redistribution of land – from the planters to the freedmen. They also realize that if their plans for reconstructing the south are to be fulfilled, they will need to keep an occupying military force in the region to enforce the new laws and constitutional amendments.

Once the 13<sup>th</sup> amendment abolishing slavery was ratified in late 1865, the Radicals push forward, introducing the 14<sup>th</sup> amendment.

The 14th amendment grants citizenship to all persons born in the US

Guarantees due process of law and equal protection of the laws – one's race does not determine how the law will be applied.

If southern states mistreat freedmen, the federal government can intervene.

If the vote is denied to blacks, the state gets reduced representation in Congress (this is never enforced).

Southern states only get back in the Union if they ratify the 14<sup>th</sup> amendment; most wait to see what happens in the 1866 midterm election.

Candidates supporting the Radical position win in a landslide; In campaigning for those who supported “presidential restoration,” Johnson embarrasses himself by appearing drunk in public.

Johnson’s inflexibility and willingness to let the southern leadership ignore the results of the Civil War ends up benefiting the Radicals. People reject Johnson (perhaps more than they embrace the Radicals.)

Now in control, Radical Republicans want to Reconstruct the South (and not just restore it).

With large majorities in both houses of Congress, the Republicans are confident they can ignore Johnson and push through their own agenda. They pass the 1867 Reconstruction Act which establishes a military occupation of the South (5 military districts; 20,000 troops.)

The troops will compel the southerners to obey the laws that protect the freedmen.

One problem, however... Johnson is commander-in-chief of the military and can appoint the officials who will be in charge of enforcing the Radicals’ laws. He chooses men who do not actively enforce the law.

To get around this, Radicals in Congress conclude they need to get rid of Johnson. They pass the Tenure of Office Act, which keeps a President from firing a cabinet officer without the consent of Congress. (They do this knowing Johnson is ready to fire Secretary of War Edwin Stanton, who sympathizes with the Radicals.)

Once Johnson fires Stanton, he can be impeached for violating the Tenure of Office Act. But Stanton is not a Johnson appointee, so is Johnson actually violating the law by firing him?

The case against Johnson proceeds. The House impeaches him, but the Senate – by one vote – acquits him. Johnson remains in office, but is weakened. Congress, it appears, will now get its way.

But this is not the case.

In the presidential election later that year (1868), the Republican Ulysses S. Grant barely wins. He owes his victory to his fame as a Civil War general, more so than to his support for the Radicals’ Reconstruction policies. As evidence of how his victory was not a mandate for Radical policies, his opponent, the Democrat Horatio Seymour, receives the majority of white vote.

This signals that the Radicals' policies are not popular with white voters, even white voters in the North.

Radicals fear losing power and push for 15<sup>th</sup> amendment (1870) which makes it illegal to prevent someone from voting based on their race.

(Note that this does not guarantee black the right to vote, only that race not be the reason why they are kept from voting. As it happens, southern whites find other ways of keeping them from voting and a sympathetic Supreme Court rules that such methods do not violate the 15<sup>th</sup> amendment.)

But VIOLENCE and TERROR trumps all.

Assassinations; lynchings; riots; intimidation; arson. This means the troops must stay – perhaps for years to come – to enforce the laws.

The newly elected Grant Administration tries to protect blacks and their white allies in the South, but sending more federal troops to the South is politically unpopular. Northern voters don't want federal funds used to protect blacks. Taxes should benefit northern whites – railroad subsidies, land grants. And the military should be used to fight the Indians and clear land for western settlement.

## **THE END OF RECONSTRUCTION**

The attempt to redistribute power, though supported at first, begins to lose favor among northern voters.

Most Americans were not ready for such radicalism. In particular, they oppose the seizing of land from planters and the redistribution of it to the freedmen.

If the federal government can take land away from planters and give it to freedmen, what's to stop the government from taking away others' land in the future?

Perhaps more importantly, the permanent military occupation of the South costs a lot of money. And northern tax payers are footing the bill.

By the 1870s, most northerners are tired of "the Negro question." Never completely committed to defending the rights of the freedmen, they are now willing to leave this issue to the southerners to work out on their own.

If they are going to pay taxes to support the military, they want something for their money. Many ask: Why should I pay taxes to help the freedmen?

As a result, support for Radical Reconstruction quickly evaporates. The financial burden and the fear of enhanced government power combine to kill it.

When the 1876 presidential election results are unclear, a standoff between the Republicans and Democrats ensues. Though not exactly an official compromise, the outcome is that the Republicans get the White House, but, in exchange, the new Republican president must agree to remove the remaining troops from the South. In fact, most of the troops were already gone. The compromise simply gave official recognition to the end of Reconstruction as first envisioned by the Radicals.

At the time, this was a welcome development. Today, it is seen as a tragic missed opportunity. In the years after 1877, race relations in the South grew increasingly worse and persecution of blacks grew more widespread. Strict segregation of the races had become the norm by the mid-1890s.

The legacy of Reconstruction's failure is with us still today.