

THE RECONSTRUCTION PERIOD

The Civil War worked a revolution in the life of the American people in many respects more profound than did the War for Independence. During the Reconstruction period, which lasted from the surrender of the Confederate forces in 1865 to the removal of the last Union occupation troops in 1877, the South was the scene of bitter strife regarding its status in the federal government and the plans for its rebuilding. From the Reconstruction period emerged new patterns of government, economy, and society that transformed the southern states.

As for the readmission of the former Confederate states to the Union, the approaches of Presidents Abraham Lincoln and Andrew Johnson on the one hand and of the Congress on the other were so opposed that a rift between the executive and legislative branches of the government occurred that was unprecedented in the nation's history.

THE PROSTRATE SOUTH

War always disfigures. And a civil war often scars the face of society so greatly that it is hardly recognizable. This was true of the South during the Reconstruction period. Confederate soldiers, returning home after the surrender of General Robert E. Lee, found destruction, poverty, and hopelessness all about them.

ECONOMIC CHAOS From Virginia to Texas, farmhouses, barns, and mills had been burned; bridges and railroad tracks had been destroyed; towns had been looted and their inhabitants driven out. Plantation owners had lost their slaves, and they did not have the means to borrow the capital for agricultural equipment to replace slave labor. Business was at a standstill, save for speculative enterprises which preyed on people left destitute by war.

SOCIAL CONFUSION The war destroyed the whole structure of southern society. In many sections aristocratic planters, shorn of wealth and power, yielded reluctantly to the growing influence of bankers, merchants, and small farmers. The changing status of blacks, as they made the transition from slaves to wage earners, created serious social tensions between them and whites.

POLITICAL UNCERTAINTY The collapse of the Confederacy stopped all political processes in the South. State and local governments had

to be organized; the new state governments had to establish normal relations within the Union. In the nation's capital and throughout the North political leaders differed sharply over what should be done and how it should be done. There were bitter quarrels among the leaders of the dominant Republican party concerning the proper basis for political reconstruction.

FRAMING A RECONSTRUCTION POLICY

The views among the political leaders who tried to formulate a program for the former Confederate states were so mixed that the American people were badly confused.

THE "CONQUERED PROVINCES" THEORY Some members of Congress argued that secession was an illegal act and that southerners must pay a heavy penalty for having committed it. By having engaged in this crime, the southern states had placed themselves outside the protection of the Constitution. They must now be treated as "conquered provinces," which Congress had the constitutional power to govern.

LINCOLN'S 10 PERCENT PLAN President Abraham Lincoln brushed aside the conquered provinces theory, although he knew it had support from such influential Republican leaders as Representative Thaddeus Stevens of Pennsylvania and Senator Benjamin F. Wade of Ohio. Lincoln believed that the right to secede did not exist; therefore, despite attempts to sever relations by force of arms, the southern states had never left the Union but were merely "out of the proper practical relations" with it. (In 1869 this position was upheld by the Supreme Court in its *Texas v. White* decision that the Union was constitutionally indestructible.) Convinced that he should aid the southern people to quickly resume their former status in the Union, Lincoln in December, 1863, presented a plan for Reconstruction that, first, pardoned all southerners (except high Confederate officials and those who had left the United States government or military service to aid the Confederacy) who would swear allegiance to the United States and accept "all acts of Congress passed during the existing rebellion with reference to slaves"; second, it authorized the establishment of a new government for any state if one-tenth of its

qualified voters of 1860 would take the required loyalty oath.

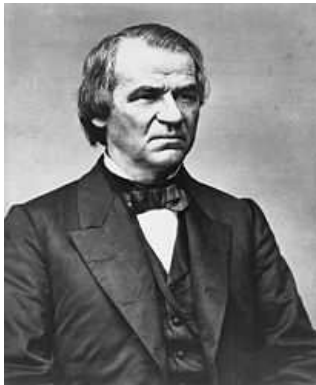
THE WADE-DAVIS BILL

Lincoln's moderate plan ran into strong opposition among the congressional leaders of his own party who feared that the President would "let the South off too easily" and that former Confederate officials would return immediately to political power in their states. In July, 1864, Congress passed the stringent Wade-Davis Bill. Named after its sponsors, Senator Wade and Representative Henry W. Davis of Maryland, it provided that a majority of white male citizens had to take a loyalty oath before a civil government could be organized in a seceded state, and it excluded from the electorate of such states former Confederate officeholders and military personnel who had "voluntarily borne arms against the United States." Lincoln pocket-vetoed the bill. Thereupon, Wade and Davis issued a manifesto accusing him of "dictatorial usurpation."

A pocket veto is the retention of a bill unsigned under such conditions that it does not become law.

THE JOHNSON PLAN

The assassination of President Lincoln on April 14, 1865, was a particular blow to those who favored a policy of moderation. His unfinished work fell into the hands of Vice-President Andrew Johnson, a pro-Union Democrat from Tennessee who in the 1864 election had been placed with Lincoln on the ticket of the Republican party (temporarily calling itself the Union party) to emphasize unity and attract wide support. The new President attempted to carry forward his predecessor's plan with minor changes, but the tactless Johnson had little skill in handling strong-willed members of Congress. He granted amnesty to all former Confederates (except certain high leaders and large property-holders) who were willing to take an oath to uphold the Constitution.



Andrew Johnson

By successive proclamations he set up provisional (adapted to current conditions and of a temporary nature) governments in a number of states that had composed the Confederacy. He authorized the loyal white citizens to draft and ratify new state constitutions and to elect state legislatures, which were to (1) repeal ordinances of

secession; (2) repudiate the Confederate state debts; (3) ratify the Thirteenth Amendment to the Constitution, prohibiting slavery. (This amendment was passed by Congress in February, 1865, and ratified the following December.)

RADICAL REPUBLICANS VERSUS THE PRESIDENT

Opponents of the Johnson plan in the Republican party came to be called Radicals. The Congress that convened in December, 1865, soon came under the domination of this group, which was led by Senator Charles Sumner of Massachusetts and Representative Thaddeus Stevens. The motives of the Radical Republicans in opposing the President's policy were a curious blend of high moral purpose and partisan self-interest, in which the following were important factors: (1) personal animosity toward Johnson on the part of senators and representatives who believed him unworthy of the presidency; (2) fear of executive encroachment on the authority of Congress; (3) the desire to safeguard the interests of freedmen (blacks freed from slavery as a result of the Civil War); (4) resentment over the speedy return of former Confederates to political power in the South; (5) the determination of the Republican politicians to establish their own party in the South; (6) the hope of northern business enterprise that the removal of southern influence from Congress would result in a program of government aid to industry.

THE BLACK CODES

Beginning in November, 1865, and during 1866 southern legislatures that had been elected under Johnson's lenient Reconstruction plan passed laws called "Black Codes" that regulated the status of freedmen. Although these laws conferred some rights of citizenship upon the newly freed slaves, they helped to ensure white supremacy by narrowly restricting the political, economic, and social activities of blacks. The Black Codes varied in severity from state to state. Blacks, were, for example, denied the right to hold public office, to serve on juries, to bear arms, or to engage in any occupation other than farming without obtaining a license. The immediate effect in the North of the Black Codes was increased support for the Radical Republican position.

THE JOINT COMMITTEE ON RECONSTRUCTION

In December, 1865, Congress refused to seat the senators and representatives who had been elected by the provisional state governments set up under the Johnson plan. (According to the

Constitution, each house of Congress is empowered to judge the election and qualifications of its own members.) Instead, the Republicans in Congress, led by Representative Stevens, immediately created the Joint Committee on Reconstruction, with a total of fifteen senators and representatives, which examined the whole question of political Reconstruction and made new proposals for congressional action.

THE FREEDMEN'S BUREAU In March, 1865, Congress created the Bureau of Refugees, Freedmen, and Abandoned Lands (popularly called the Freedmen's Bureau) to provide the newly emancipated blacks with the basic necessities of life and to protect their civil rights, as well as to care for the abandoned lands of the South. In February, 1866, the legislators passed a bill extending the life of the bureau indefinitely. Johnson vetoed this bill on the grounds that states affected by it had not been represented in Congress when it was passed and that its provisions for the military trial of civilians violated the Constitution. However, a later bill, enlarging the powers of the Freedmen's Bureau, was passed over Johnson's veto in July, 1866.

THE CIVIL RIGHTS ACT In April, 1866, Congress passed, over the President's veto, the Civil Rights Act, conferring citizenship upon blacks and assuring them equal treatment with whites before the law. Johnson had maintained that the measure invaded states' rights would revive the spirit of rebellion.

THE FOURTEENTH AMENDMENT As the quarrel with Johnson grew more violent, the Radical Republican faction insisted upon the political punishment of former Confederates. The basis of their attack took the form first of a proposal to amend the Constitution. The Joint Committee on Reconstruction proposed the Fourteenth Amendment to the Constitution, which Congress passed in June, 1866, and promptly referred to the states for ratification. By its provisions (1) citizenship was conferred upon every person born or naturalized in the United States and state laws that abridged the privileges of any citizen or deprived any person of "life, liberty, or property without due process of the law" were prohibited; (2) a state that deprived any of its male inhabitants of the ballot (the concern was for blacks) was to suffer a reduction of representation in Congress proportionate to the number denied the right to vote (this provision could have been carried out only with enforcement legislation, which Congress never enacted); (3) former Confederates were barred from holding federal

and state offices if they had filled similar posts before the Civil War (this disability could be removed by a two-thirds vote of each house of Congress); (4) the Confederate debt was repudiated and the United States debt affirmed. Tennessee quickly ratified the Fourteenth Amendment and was readmitted to the Union. All the other states of the Confederacy rejected the amendment upon the advice of Johnson, who considered it unconstitutional. Even so, by July 1868, the Fourteenth Amendment had been ratified by the required number of states and was incorporated into the Constitution.

THE 1866 CONGRESSIONAL ELECTIONS The President and the Radical Republicans fought for political supremacy in the congressional elections of 1866. The supporters of the administration denounced the Fourteenth Amendment and urged a policy of conciliation toward the defeated South. But in many congressional districts the voters found that their only choice on the ballot was between a Radical Republican and a Democrat who had opposed Lincoln's wartime policies. The result was scarcely in doubt, and the Radicals scored an overwhelming victory.

THE RECONSTRUCTION ACTS Some months after the congressional elections, in March, 1867, Congress passed, over the President's veto, the Reconstruction Act, dividing the ten states still unreconstructed into five military districts with a major general in command of each. For these states to be restored to the Union, the following procedures were required: (1) constitutional conventions, elected by blacks and loyal whites, were to frame constitutions guaranteeing male suffrage, including blacks; (2) these constitutions were to be approved by Congress; (3) qualified voters were to elect state legislatures pledged to ratify the Fourteenth Amendment; (4) with the ratification of the Fourteenth Amendment the state could apply for representation in Congress. Later that year and in the following year Congress passed three supplementary Reconstruction Acts that outlined administrative and legal procedures.

THE CONGRESSIONAL CHALLENGE The leaders of the Radical faction in Congress were hindered by their inability to control the presidential office. Realizing that Johnson was personally unpopular, they determined to humiliate him and thus remove any constitutional check on their policies.

IMPEACHMENT OF JOHNSON In the Tenure of Office Act, passed in March, 1867, over

Johnson's veto, Congress forbade the President to remove federal officeholders, including members of his own cabinet, without the consent of the Senate. When Secretary of War Edwin M. Stanton, who was in sympathy with the Radicals, refused to carry out a presidential order, Johnson dismissed him without the Senate's consent. The House of Representatives promptly impeached the President for "high crimes and misdemeanors," which consisted of eleven charges, including the violation of the Tenure of Office Act.

JOHNSON'S TRIAL At the trial, which took place during March – May, 1868, with Chief Justice Salmon P. Chase presiding, Johnson was ably defended by his lawyers, who argued that the Tenure of Office Act was unconstitutional. In the final vote of the Senate, sitting as the jury, the Radicals failed by one vote (35 to 19) to secure the two-thirds majority required by the Constitution for conviction. Seven moderate Republicans voted with the Democrats to acquit the only president ever impeached by the House of Representatives. Johnson's victory helped preserve the authority and independence of the presidential office. (In 1867 Congress repealed the Tenure of Office Act, and in 1926 the Supreme Court in its *Myers v. United States* decision upheld the president's right to remove officials appointed by the president.)

In 1974 the House Judiciary Committee passed three articles of impeachment against President Richard M. Nixon, who resigned from office before the full House of Representatives was to take up the matter.

THE SOUTH IN TRANSITION

The policy of military reconstruction, which was pushed vigorously by the Radicals, hastened changes in the economic and social life of the South and took political power from the upper classes that had been dominate before the Civil War.

THE CHANGING POLITICAL SCENE After the registration of voters, under the Reconstruction Acts of 1867, there were approximately 700,000 blacks on the lists and about 625,000 whites. In some districts the black vote was marshaled and controlled by ambitious but unprincipled whites.

"CARPETBAG" GOVERNMENTS Blacks sat in most of the conventions that drafted the new state constitutions, making up about one third of the total membership. In the state legislatures there were many inexperienced, yet on the

whole able and honest, representatives, both white and black. Making up the group of white legislators were the "carpetbaggers" and "scalawags." The former were northerners who had gone South after the Civil War. Since a number of them carried cheap traveling bags made of carpeting material, they were scornfully called "carpetbaggers." The motives of the carpetbagger were mixed. Many wanted to help blacks adjust to freedom; others anticipated power and fortune through business and political enterprises. Those southern whites who cooperated with the carpetbaggers and the freedmen to aid the Radical program were dubbed "scalawags" (a slang term for "rascal"). As with the carpetbaggers, their motives were mixed. Many were eager to help both blacks and lower-class whites achieve security in a rebuilt South, while others were interested in political preferment and lucrative contracts during a period of deep confusion. Twenty-two blacks from eight states were elected to Congress; two of them – Hiram R. Revels and Blanche K. Bruce, both from Mississippi – served in the Senate. Some legislatures elected in the southern states in 1868 – 1869 indulged in extravagance and fraud that left an aftermath of public debts and burdensome taxes. But as supporters of Radical reconstruction pointed out, the carpetbag governments were no more corrupt than a number of northern municipal administrations, some northern state legislatures, and the executive branch of the federal government under President Ulysses S. Grant.

REFORMERS There were in the southern states a number of white and black leaders who were determined to make life better for the average citizen of the region. All of the state constitutional conventions drafted liberal documents that guaranteed civil liberties and universal male suffrage. In almost every state an attempt was made to base representation in the legislature on electoral districts substantially equal in population. Several legislatures enacted laws providing for an enlarged system of courts. Although fraud tainted some of the appropriation bills passed by the Reconstruction legislators, many other expenditures were for worthy purchases. Greater state support for hospitals and asylums was authorized. Notable were the efforts to build more schools and to provide better educational opportunities for both whites and blacks.

THE FIFTEENTH AMENDMENT Virginia, Georgia, Mississippi, and Texas were not able to satisfy Congress on rejoining the Union until 1870, when they were readmitted on condition

that their legislatures ratify the Fifteenth Amendment, passed by Congress in February, 1869, forbidding any state to deny suffrage on the grounds of "race, color, or previous condition of servitude." Approval of the amendment by the required number of states had been obtained by March, 1870, and it thus became part of the Constitution.

RESTORATION OF "WHITE SUPREMACY" By 1868 most southern states had ratified the Fourteenth Amendment and had thus been permitted to rejoin the Union. Southern whites soon turned to nonpolitical methods in their efforts to undo the results of Radical Reconstruction.

Secret societies, such as the Ku Klux Klan, the Knights of the White Camelia, and the Boys of '76, were used by southern whites as the instruments of a policy of ugly terrorism designed to frighten blacks and compel them to renounce their new political power and economic and social gains. The Klan became the most notorious of these organizations. Taking refuge under white hoods and robes, its members, on gruesome "night-riding" missions, wielded with abandon on blacks and even their white supporters, too, whips, branding irons, ropes, torches, guns, and knives.

Southern whites who disliked the violent tactics of the Klan and other secret societies turned to more subtle forms of coercion. Blacks were denied employment and were kept from the polls not by force but by psychological intimidation.

THE "FORCE ACTS" Southern resistance led to three laws, called the "Force Acts," for the enforcement of the congressional program. The Enforcement Acts of May, 1870, imposed heavy penalties for violations of the Fourteenth and Fifteenth amendments. The Enforcement Act of February, 1871, placed congressional elections under the control of federal authorities. The Enforcement Act (also called the Ku Klux Klan Act) of April, 1871, gave the President military powers to subdue the Klan in South Carolina.

THE RETURN OF THE CONSERVATIVES Despite the Fourteenth and Fifteenth Amendments to the Constitution and the Enforcement Acts, the Radical Republicans lost ground in the South after 1870.

THE GENERAL AMNESTY ACT A combination of Democrats and moderate Republicans, who disliked the severity of military Reconstruction, in 1872 pushed through Congress the General Amnesty Act, which restored political privileges to thousands of former Confederates and

hastened the collapse of the governments based on black votes. By 1876 only South Carolina, Florida, and Louisiana were still in the hands of the Radical Republicans.

WITHDRAWAL OF FEDERAL TROOPS As a result of a compromise between certain elements in the Republican party and some leaders of the southern Democrats arising out of the disputed presidential election of 1876, President Rutherford B. Hayes withdrew the federal troops from the South in 1877; the state governments still in Republican hands quickly fell to the southern Democrats.

SUPREME COURT DECISIONS In 1873 the Supreme Court, deciding cases that arose from a disputed grant of a state legislature to a slaughterhouse company, restricted the application of the Fourteenth Amendment. It held that the amendment was not intended to protect civil rights in general but only United States citizenship rights. In 1875 Congress passed a Civil Rights Act that prohibited racial discrimination in public places, such as restaurants, hotels, and theaters. The measure was never enforced, and in 1883 the Supreme Court declared it unconstitutional on the ground that the Fourteenth Amendment prohibited acts of discrimination by the states but did not prohibit acts of discrimination by private persons.

THE LEGACY OF RECONSTRUCTION

It is hard to balance the good and the evil features in the congressional program of Reconstruction. It is even difficult to determine whether the policies of the federal government during the Reconstruction era were responsible for all of the political, economic, and social developments of the post-Civil War years in the former states of the Confederacy. Less vigorous northern control might have resulted in similar political, economic, and social changes.

POLITICAL READJUSTMENTS The most obvious political consequence of congressional policies in the South was the adherence of the great majority of southern whites to the Democratic party.

THE SOLID SOUTH In the immediate postwar years most southern whites came to believe that the Republican party as a whole was the party of blacks and corrupt whites, despising the South. As a result, many areas in the former slave states knew only the one-party system.

Whoever captured a Democratic nomination on the state or local level was virtually certain of winning the ensuing election. From 1876 to 1920 the Republican party never carried any of the former Confederate states in a presidential election.

THE BOURBONS Within the one-party system the leaders of the Democrats came to be known as "Bourbons" (from the name of a European royal family, whose descendents were known for clinging obstinately to ideas adapted to a past order). This extremely conservative faction consisted of some of the former planter class and many southern whites who had made money during the Reconstruction period.

DISFRANCHISEMENT OF BLACKS By ways that avoided violence, the Democratic leaders steadily reduced the number of blacks who could meet the qualifications for the suffrage. Several devices were used: (1) the literary test, so constructed that most blacks could not pass; (2) the poll tax (a tax levied on adults, the payment of which was required for voting); (3) property requirements; (4) the "grandfather clause" of newly revised state constitutions, granting the suffrage only to those whose fathers or grandfathers had voted before 1867. (The last device, of course, barred blacks, but made it possible for uneducated whites to vote.)

ECONOMIC REHABILITATION The political confusion of the postwar decade retarded all the southern states in their efforts to promote the economic well-being of their citizens.

DISRUPTION OF THE PLANTATION SYSTEM The revolutionary changes brought about by the war compelled southern landholders to reduce the size of their plantations. Having insufficient money to hire laborers, some landowners sold off large portions of their acreage, but the majority preferred to try a plan of cultivation with tenants, white or black, who themselves did not possess enough money to pay cash rental. In this system of tenant farming known as sharecropping, the tenant, called a sharecropper, agreed to give the landowner as rent a portion (usually half) of the crop he raised by his labor.

RISE OF THE MERCHANT If the landowner did not supply the tools, seed, and draft animals that the sharecropper needed, the latter frequently was forced to pledge another share of his crop to the local merchant in order to secure credit for his working requirements. This was called the crop-lien system. Many small farmers who owned their land were forced to engage in

the crop-lien system, often pledging their entire crop to the merchant in return for supplies. This proved to be an expensive system of credit. The small farmers were compelled to confine their production to crops having a widespread and constant demand, such as cotton or tobacco. And they became in a sense economically enslaved to the merchant-creditors.

INDUSTRIAL DEVELOPMENT As the South of the great plantations disappeared, a new industrial order arose. The exploitation of coal, iron, phosphates, and lumber slowly gathered momentum. The less prosperous people in the rural districts drifted into towns to work in factories located where cheap water power was available. The increase in railroad mileage began to keep pace with the output of coal and iron and with the multiplication of cotton mills.

SOCIAL TENSIONS It is not easy to measure the effect of the Reconstruction years in the process of social readjustment throughout the South.

STATUS OF BLACKS In many communities the bitterness engendered by imposed government and military occupation under the Radical Republicans brought conflicts between the native whites and the newly liberated blacks that curbed the blacks' development. The breakup of the large plantations into smaller farms often meant the loss of work for blacks. Those who drifted into mill towns or got employment in mines and factories found that their labor was exploited almost as vigorously as it had been during the years of slavery.

CLEAVAGES AMONG NATIVE WHITES The independent small farmers, heavily in debt, and the sharecroppers grew ever more hostile toward the Bourbon representatives of the former planter aristocracy and the new merchant-creditor group.

"THE NEW SOUTH" In 1886 Henry Grady, editor of the *Atlanta Constitution*, used a phrase. "The New South," that gained wide acceptance, to denote developments, primarily economic, in the region after the Reconstruction period. Grady asserted that the South, instead of bemoaning the past, looked to the future with hope and confidence. But the phrase told only part of the story at the close of the nineteenth century. Although southerners made successful efforts to balance agriculture with new industries, much needed to be accomplished.

There was a vigorous leadership trying to remake the South economically, but many critical problems remained: (1) the southern

economy had not escaped from control by northern financiers; (2) southern political leaders remained far more interested in sectional than in national problems; (3) many farmers, both white and black, still lived in poverty; (4) mindful of heavy personal losses during the Civil War and the Reconstruction period, most southern voters refused to accept tax programs that would have provided funds for the social services needed to rebuild from war's destruction.