

# RECONSTRUCTION

United States History ACP  
Social Studies Department  
Wellesley High School  
Academic Year 2012-2013

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Wellesley High School  
Social Studies Department

## Reconstruction Unit

### Essential Question:

- *How successful was Reconstruction in securing equality for African-Americans?*

### Focus Questions:

- What were the causes and results of the Civil War?
  - How did the Federal Government attempt to reconstruct the South?
  - Why did Presidential Reconstruction fail and Radical Reconstruction take hold?
  - How did the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> amendments affect African-Americans lives and cause a backlash in Southern society?
  - What were the social, political and economic effects of Reconstruction in the South?
  - What were the main reasons for the defeat of Reconstruction in the South?
  - To what extent was Reconstruction an “Unfinished Revolution”?
  - To what extent should the federal government play a role in protecting the rights of African-Americans?
- 
- How was Jim Crow institutionalized by court decisions, state laws, and extra-legal actions?

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## **The Growth of a Nation: The United States from 1789 -1865**

### **1789 – 1820: A New Nation – Missouri Compromise**

### **1820-1865: Westward Expansion – The Civil War**



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Sum Up: What were the main causes of the Civil War?

How did the Civil War change the daily lives of Americans?	
Individual Groups	How did their lives change?

What Problems did the U.S. Face At the end of the Civil War?
<b>Political:</b>
<b>Economic:</b>
<b>Technological:</b>
<b>Social:</b>

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Foner, Eric. Give Me Liberty!: An American History. New York: W.W. Norton, 2005.

### *The War in American History*

The Civil War laid the foundation for modern America, guaranteeing the Union's permanence, destroying slavery, and shifting power in the nation from the South to the North (and, more specifically, from slave-owning planters to northern capitalists). It dramatically increased the power of the federal government and accelerated the modernization of the northern economy. And it placed on the postwar agenda the challenge of defining and protecting African-American freedom.

Paradoxically, both sides lost something they had gone to war to defend. Slavery was the cornerstone of the Confederacy, but the war led inexorably to slavery's destruction. In the North, the war hastened the transformation of Lincoln's America – the world of free labor, of the small shop and independent farmer – into an industrial giant. Americans, in the words of the abolitionist Wendall Phillips, would “never again . . . see the republic in which we were born.”

Here was the problem that confronted the United States as the postwar era known as Reconstruction began. “Verily,” as Fredrick Douglass declared, “the work does not *end* with the abolition of slavery, but only *begins*.”

Name:

## CHAPTER 15

\* Read & annotate !

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# Reconstruction and the New South

Brinkley, Alan. American History. ©2007.

Few periods in the history of the United States have produced as much bitterness or created such enduring controversy as the era of Reconstruction—the years following the Civil War when Americans attempted to reunite their shattered nation. Those who lived through Reconstruction viewed it in sharply different ways. To many white Southerners, it was a vicious and destructive experience—a time when vindictive Northerners inflicted humiliation and revenge on the prostrate South and unnecessarily delayed a genuine reunion of the sections. Northern defenders of Reconstruction, in contrast, argued that their policies were the only way to keep unrepentant Confederates from restoring Southern society as it had been before the war; without forceful federal intervention, it would be impossible to stop the re-emergence of a backward aristocracy and the continued subjugation of former slaves; there would be no way, in other words, to prevent the same sectional problems that had produced the Civil War in the first place.

To most African Americans at the time, and to many people of all races since, Reconstruction was notable for other reasons.

Neither a vicious tyranny, as white Southerners charged, nor a thoroughgoing reform, as many Northerners claimed, it was, rather, a small but important first step in the effort by former slaves to secure civil rights and economic power. Reconstruction did not provide African Americans with either the legal protections or the material resources to assure them anything like real equality. And when it came to an end, finally, in the late 1870s—as a result of an economic crisis, a lack of political will in the North, and organized, at times violent, resistance by white Southerners—the freed slaves found themselves abandoned by the federal government to face a system of economic peonage and legal subordination alone. For the remainder of the nineteenth century, those blacks who continued to live in what came to be known as the New South were unable effectively to resist oppression. And yet for all its shortcomings, Reconstruction did help African Americans create institutions and legal precedents that they carried with them into the twentieth century and that became the basis for later efforts to win freedom and equality.

- Fourteenth Amendment ratified
- Ulysses S. Grant elected president
- 1869 • Congress passes Fifteenth Amendment
- First “redeemer” governments elected in South
- 1870 • Last Southern states readmitted to Union
- “Enforcement acts” passed
- 1871 • Alabama claims settled
- 1872 • Liberal Republicans defect
- Grant reelected president
- 1873 • Commercial and financial panic disrupts economy
- 1875 • Specie Resumption Act passed
- “Whiskey ring” scandal discredits Grant administration
- 1877 • Rutherford B. Hayes elected president after disputed election

- Last federal troops withdrawn from South after Compromise of 1877
- Last Southern states “redeemed”
- 1879 • Readjusters win control of Virginia legislature
- 1880 • Joel Chandler Harris publishes *Uncle Remus*
- 1883 • Supreme Court upholds segregation in private institutions
- 1890s • “Jim Crow” laws passed throughout South
- Lynchings increase in South
- 1895 • Booker T. Washington outlines Atlanta Compromise
- 1896 • *Plessy v. Ferguson* upholds “separate but equal” racial facilities
- 1898 • *Williams v. Mississippi* validates literacy tests for voting

## THE PROBLEMS OF PEACEMAKING

In 1865, as it became clear that the war was almost over, no one in Washington knew quite what to do. Abraham Lincoln could not negotiate a treaty with the defeated government; he continued to insist that the Confederate government had no legal right to exist. Yet neither could he simply readmit the Southern states into the Union as if nothing had happened.

### The Aftermath of War and Emancipation

What happened to the South in the Civil War was a catastrophe with no parallel in America's experience as a nation. Towns had been gutted, plantations burned, fields neglected, bridges and railroads destroyed. Many white Southerners, stripped of their slaves through emancipation and stripped of the capital they had invested in now worthless Confederate bonds and currency, had almost no personal property. Many families had to rebuild their fortunes without the help of adult males. Some white Southerners faced starvation and homelessness.

More than 258,000 Confederate soldiers had died in the war—more than 20 percent of the adult white male population of the region; thousands more returned home wounded or sick. Almost all surviving white Southerners had lost people close to them in the fighting. A cult of ritualized mourning developed throughout the region in the late 1860s, particularly among white women—many of whom wore mourning clothes (and jewelry) for two years or longer.

At the same time, white Southerners began to romanticize the "Lost Cause" and its leaders, and to look back nostalgically at the South as it had existed before the terrible disruptions of war. Such Confederate heroes as Robert E. Lee, Stonewall Jackson, and (later) Jefferson Davis were treated with extraordinary reverence, almost as religious figures. Communities throughout the South built elaborate monuments to their war dead in town squares. The tremendous sense of loss that pervaded the white South reinforced the determination of many whites to protect what remained of their now-vanished world.

Myth of the "Lost Cause"



**RICHMOND, 1865** By the time Union forces captured Richmond in early 1865, the Confederate capital had been under siege for months and much of the city lay in ruins, as this photograph reveals. On April 4, President Lincoln, accompanied by his son Tad, visited Richmond. As he walked through the streets of the shattered city, hundreds of former slaves emerged from the rubble to watch him pass. "No triumphal march of a conqueror could have equalled in moral sublimity the humble manner in which he entered Richmond," a black soldier serving with the Union army wrote. "It was a great deliverer among the delivered. No wonder tears came to his eyes." (*Library of Congress*)



**A MONUMENT TO THE LOST CAUSE** This monument in the town square of Monroe, Georgia, was typical of many such memorials erected all across the South after the Civil War. They served both to commemorate the Confederate dead and to remind white southerners of what was by the 1870s already widely known and romanticized as the "Lost Cause." (©Lee Snider/Corbis)

If conditions were bad for many Southern whites, they were far worse for most Southern blacks—the 4 million men and women emerging from bondage. Some of them had also seen service during the war—as servants to Confederate officers or as teamsters and laborers for the Southern armies. Nearly 200,000 had fought for the Union, and 38,000 had died. Others had worked as spies or scouts for Union forces in the South. Many more had flocked to the Union lines to escape slavery. Even before Emancipation, thousands of slaves in many parts of the South had taken advantage of wartime disruptions to leave their owners and move off in search of freedom. As soon as the war ended, hundreds of thousands more former slaves—young and old, healthy and sick—left their plantations. But most had nowhere to go. Many of them trudged to the nearest town or city, roamed the countryside camping at night on the bare ground, or gathered around Union occupation forces,

hoping for assistance. Others spent months, even years, searching for relatives from whom they had been separated. Virtually none, of course, owned any land or property. Most had no possessions except the clothes they wore.

In 1865, in short, Southern society was in disarray. Blacks and whites, men and women faced a future of great uncertainty. Yet people of both races faced this future with some very clear aspirations. For both blacks and whites, Reconstruction became a struggle to define the meaning of freedom. But the former slaves and the defeated whites had very different conceptions of what freedom meant.

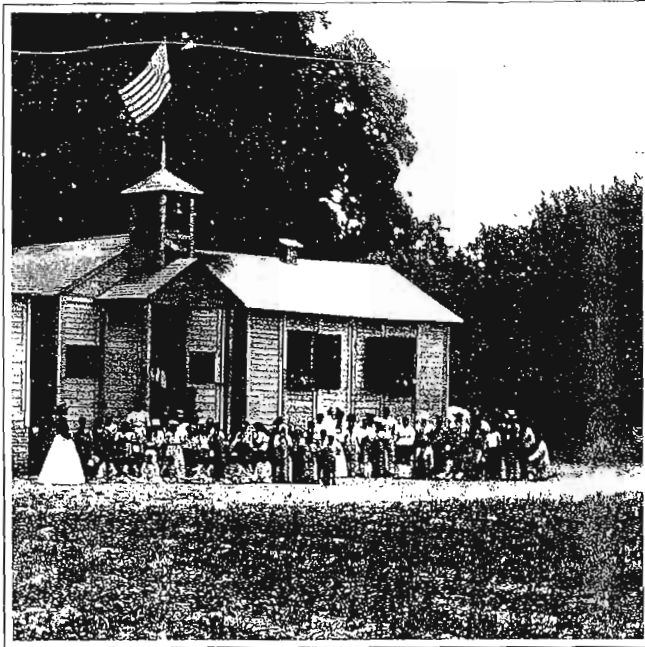
### Competing Notions of Freedom

For African Americans, freedom meant above all an end to slavery and to all the injustices and humiliation they associated with it. But it also meant the acquisition of rights and protections that would allow them to live as free men and women in the same way white people did. "If I cannot do like a white man," one African-American man told his former master, "I am not free."

Blacks differed with one another on how to achieve that freedom. Some demanded a redistribution of economic resources, especially land, because, as a convention of Alabama freedmen put it in a formal resolution, "The property which they hold was nearly all earned by the sweat of our brows." Others asked simply for legal equality, confident that given the same opportunities as white citizens they could advance successfully in American society. But whatever their particular demands, virtually all former slaves were united in their desire for independence from white control. Freed from slavery, blacks throughout the South began almost immediately to create autonomous African-American communities. They pulled out of white-controlled churches and established their own. They created fraternal, benevolent, and mutual aid societies. When they could, they began their own schools.

Freedom for the  
Ex-slaves

For most white Southerners, freedom meant something very different. It meant the ability to control their own destinies without interference from the North or the federal government. And in the immediate aftermath of the war, they attempted to exercise this version of freedom by trying to restore their society to its antebellum form. Slavery had been abolished in the former Confederacy by the Emancipation Proclamation, and everywhere else (as of December 1865) by the Thirteenth Amendment. But many white planters wanted to continue slavery in an altered form by keeping black workers legally tied to the plantations. When these white Southerners fought for what they considered freedom, they were fighting above all to preserve local and regional autonomy and white supremacy.



**A FREEDMANS' BUREAU SCHOOL** African-American students and teachers stand outside a school for former slaves, one of many run by the Freedman's Bureau throughout the defeated Confederacy in the first years after the war. (U.S. Military History Institute, Carlisle, Pennsylvania. Photo by Jim Enos)

The federal government kept troops in the South after the war to preserve order and protect the freedmen. In March 1865, Congress established the Freedmen's Bureau, an agency of the army directed by General Oliver O. Howard. The Freedmen's Bureau distributed food to millions of former slaves. It established schools staffed by missionaries and teachers who had been sent to the South by Freedmen's Aid Societies and other private and church groups in the North. It made modest efforts to settle blacks on lands of their own. (The bureau also offered considerable assistance to poor whites, many of whom were similarly destitute and homeless after the war.) But the Freedmen's Bureau was not a permanent solution. It had authority to operate for only one year; and in any case it was far too small to deal effectively with the enormous problems facing southern society. By the time the war ended, other proposals for reconstructing the defeated South were emerging.

## Issues of Reconstruction

The terms by which the southern states rejoined the Union had important implications for both major political parties. The Republican victories in 1860 and 1864 had been a result in large part of the division of the Democratic Party and, later, the removal of the South from the electorate. Readmitting the South, leaders of

both parties believed, would reunite the Democrats and weaken the Republicans. In addition, the Republican Party had taken advantage of the South's absence from Congress to pass a program of nationalistic economic legislation—railroad subsidies, protective tariffs, banking and currency reforms, and other measures to benefit northern business leaders and industrialists. Should the Democratic Party regain power with heavy southern support, these programs would be in jeopardy. Complicating these practical questions were emotional concerns. Many northerners believed the South should be punished in some way for the suffering and sacrifice its rebellion had caused. Many northerners believed, too, that the South should be transformed, made over in the North's urbanized image—its supposedly backward, feudal, undemocratic society civilized and modernized.

Even among the Republicans in Congress, there was considerable disagreement about the proper approach to Reconstruction—disagreement that reflected the same factional division that had created disputes over emancipation during the war. Conservatives insisted that the South accept the abolition of slavery, but proposed few other conditions for the readmission of the seceded states. The Radicals, led by Representative Thaddeus Stevens of Pennsylvania and Senator Charles Sumner of Massachusetts, urged that the civil and military leaders of the Confederacy be punished, that large numbers of Southern whites be disenfranchised, that the legal rights of blacks be protected, and that the property of wealthy white Southerners who had aided the Confederacy be confiscated and distributed among the freedmen. Some Radicals favored granting suffrage to the former slaves. Others hesitated, since few Northern states permitted blacks to vote. Between the Radicals and the Conservatives stood a faction of uncommitted Republicans, the Moderates, who rejected the punitive goals of the Radicals but supported extracting at least some concessions from the South on black rights.

## Plans for Reconstruction

President Lincoln's sympathies lay with the Moderates and Conservatives of his party. He believed that a lenient Reconstruction policy would encourage southern unionists and other former Whigs to join the Republican Party and would thus prevent the readmission of the South from strengthening the Democrats. More immediately, the southern unionists could become the nucleus of new, loyal state governments in the South. Lincoln was not uninterested in the fate of the freedmen, but he was willing to defer questions about their future for the sake of rapid reunification.

Lincoln's Reconstruction plan, which he announced in December 1863, offered a general amnesty to white



### Lincoln's 10% Plan

southerners—other than high officials of the Confederacy—

who would pledge loyalty to the government and accept the elimination of slavery. Whenever 10 percent of the number of voters in 1860 took the oath in any state, those loyal voters could set up a state government. Lincoln also hoped to extend suffrage to those blacks who were educated, owned property, and had served in the Union army. Three southern states—Louisiana, Arkansas, and Tennessee, all under Union occupation—reestablished loyal governments under the Lincoln formula in 1864.

The Radical Republicans were astonished at the mildness of Lincoln's program. They persuaded Congress to deny seats to representatives from the three "reconstructed" states and refused to count the electoral vote of those states in the election of 1864. But for the moment, the Radicals were uncertain about what form

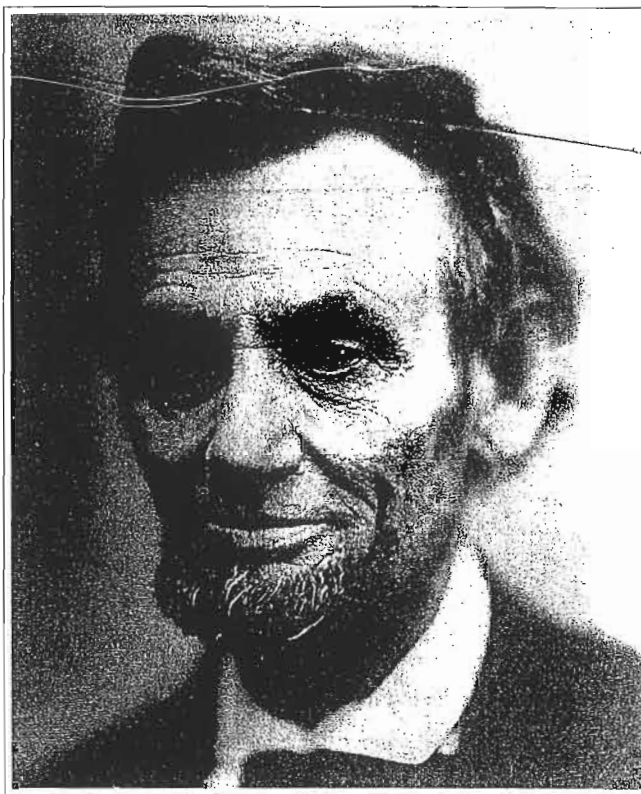
their own Reconstruction plan should take. Their first effort to

### Wade-Davis Bill

resolve that question was the Wade-Davis Bill, passed by Congress in July 1864. It authorized the president to appoint a provisional governor for each conquered state. When a majority (not Lincoln's 10 percent) of the white males of the state pledged their allegiance to the Union, the governor could summon a state constitutional convention, whose delegates were to be elected by those who would swear (through the so-called Ironclad Oath) that they had never borne arms against the United States—another departure from Lincoln's plan. The new state constitutions would have to abolish slavery, disfranchise Confederate civil and military leaders, and repudiate debts accumulated by the state governments during the war. After a state had met these conditions, Congress would readmit it to the Union. Like the president's proposal, the Wade-Davis Bill left up to the states the question of political rights for blacks. Congress passed the bill a few days before it adjourned in 1864, and Lincoln disposed of it with a pocket veto. His action enraged the Radical leaders, and the pragmatic Lincoln became convinced he would have to accept at least some of the Radical demands. He began to move toward a new approach to Reconstruction.

### The Death of Lincoln

What plan he might have produced no one can say. On the night of April 14, 1865, Lincoln and his wife attended a play at Ford's Theater in Washington. As they sat in the presidential box, John Wilkes Booth, a member of a distinguished family of actors and a man obsessed with aiding the Southern cause, entered the box from the rear and fired a bullet into Lincoln in the head. The president was carried unconscious to a house across the street, where early the next morning, surrounded by family, friends, and political associates (among them a tearful Charles Sumner),



**ABRAHAM LINCOLN** This haunting photograph of Abraham Lincoln, showing clearly the weariness and aging that four years as a war president had created, was taken in Washington only four days before his assassination in 1865. (*Library of Congress*)

The circumstances of Lincoln's death earned him immediate martyrdom. It also produced something close to hysteria throughout the North. There were accusations that Booth had acted as part of a great conspiracy—accusations that contained some truth. Booth did indeed have associates, one of whom shot and wounded Secretary of State Seward the night of the assassination, another of whom abandoned at the last moment a scheme to murder Vice President Johnson. Booth himself escaped on horseback into the Virginia countryside, where, on April 26, he was cornered by Union troops and shot to death in a blazing barn. A military tribunal convicted eight other people of participating in the conspiracy (at least two of them on the basis of virtually no evidence). Four were hanged.

To many Northerners, however, the murder of the president seemed evidence of an even greater conspiracy—one masterminded and directed by the unrepentant leaders of the defeated South. Militant Republicans exploited such suspicions relentlessly for months, ensuring that Lincoln's death would help doom his plans for a relatively easy peace.

### Johnson and "Restoration"

Leadership of the Moderates and Conservatives fell to Lincoln's successor, Andrew Johnson, who was not

well suited, either by circumstance or personality, for the task. A Democrat until he had joined the Union ticket with Lincoln in 1864, he became a Republican president at a moment when partisan passions were growing. Johnson himself was an intemperate and tactless man, filled with resentments and insecurities. He was also openly hostile to the freed slaves and unwilling to support any plans that guaranteed them civil equality or enfranchisement. He once declared, "White men alone must manage the South."

Johnson revealed his plan for Reconstruction—or "Restoration," as he preferred to call it—soon after he took office, and he implemented it during the summer of 1865 when Congress was in recess. Like Lincoln, he offered amnesty to those Southerners who would take an oath of allegiance. (High-ranking Confederate officials and any white Southerner with land worth \$20,000 or more would have to apply to the president for individual pardons. Johnson, a self-made man, apparently liked the thought of the great planter aristocrats humbling themselves before him.) In most other respects, however, his plan resembled that of the Wade-Davis Bill. For each state, the president appointed a provisional governor, who was to invite qualified voters to elect delegates to a constitutional convention. Johnson did not specify how many qualified voters were necessary, but he implied that he would require a majority (as had the Wade-Davis Bill). In order to win readmission to Congress, a state had to revoke its ordinance of secession, abolish slavery, ratify the Thirteenth Amendment, and repudiate the Confederate and state war debts. The final procedure before restoration was for a state to elect a state government and send representatives to Congress.

By the end of 1865, all the seceded states had formed new governments—some under Lincoln's plan, some under Johnson's—and were prepared to rejoin the Union as soon as Congress recognized them. But Radical Republicans vowed not to recognize the Johnson governments, just as they had previously refused to recognize the Lincoln regimes; for by now, northern opinion had become more hostile toward the South than it had been a year earlier when Congress passed the Wade-Davis Bill. Many northerners were disturbed by the apparent reluctance of some delegates to the southern conventions to abolish slavery, and by the refusal of all the conventions to grant suffrage to any blacks. They were astounded that states claiming to be "loyal" should elect prominent leaders of the recent Confederacy as state officials and representatives to Congress. Particularly hard to accept was Georgia's choice of Alexander H. Stephens, former Confederate vice president, as a United States senator.

## RADICAL RECONSTRUCTION

Reconstruction under Johnson's plan—often known as "presidential Reconstruction"—continued only until Congress reconvened in December 1865. At that point, Congress refused to seat the representatives of the "restored" states and created a new Joint Committee on Reconstruction to frame a Reconstruction policy of its own. The period of "congressional" or "Radical" Reconstruction had begun.

### The Black Codes

Meanwhile, events in the South were driving Northern opinion in even more radical directions. Throughout the South in 1865 and early 1866, state legislatures were enacting sets of laws known as the Black Codes, designed to give whites substantial control over the former slaves. The codes authorized local officials to apprehend unemployed blacks, fine them for vagrancy, and hire them out to private employers to satisfy the fine. Some of the codes forbade blacks to own or lease farms or to take any jobs other than as plantation workers or domestic servants.

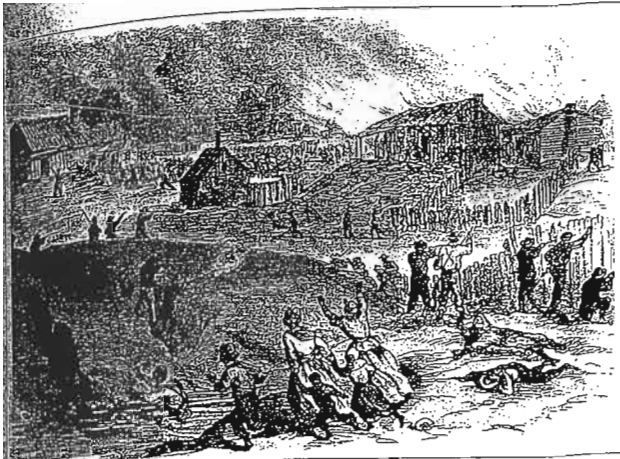
Congress first responded to the Black Codes by passing an act extending the life of the Freedmen's Bureau and widening its powers so that it could nullify work agreements forced on freedmen under the Black Codes. Then, in April 1866, Congress passed the first Civil Rights Act, which declared blacks to be citizens of the United States and gave the federal government power to intervene in state affairs to protect the rights of citizens. Johnson vetoed both bills, but Congress overrode him on each of them.

### The Fourteenth Amendment

In April 1866, the Joint Committee on Reconstruction proposed a new amendment to the Constitution, which Congress approved in early summer and sent to the states for ratification. Eventually, it became one of the most important of all the provisions in the Constitution.

The Fourteenth Amendment offered the first constitutional definition of American citizenship. Everyone born in the United States, and everyone naturalized, was automatically a citizen and entitled to all the "privileges and immunities" guaranteed by the Constitution, including equal protection of the laws by both the state and national governments. There could be no other requirements for citizenship. The amendment also imposed penalties—reduction of representation in Congress and in the electoral college—on states that denied suffrage to any adult male inhabitants. (The wording reflected the prevailing view in Congress and elsewhere that the franchise was properly restricted to men.) Finally, it prohibited former





**THE MEMPHIS RACE RIOT, 1866** Angry whites (shown here attacking down blacks) rampaged through the black neighborhoods of Memphis, Tennessee, during the first three days of May 1866, burning homes, schools, and churches and leaving forty-six people dead. Some blamed the riot was a response to strict new regulations protecting blacks that had been imposed on Tennessee by General George Crook, the military commander of the district; others argued that it was an attempt by whites to intimidate and control an African-American population that was trying to exercise its new freedom. Such events were among the events that persuaded Radical Republicans in Congress to press for a harsher policy of Reconstruction. (*The Granger Collection*)

members of Congress or other former federal officials who had aided the Confederacy from holding any state or federal office unless two-thirds of Congress voted to pardon them.

Congressional Radicals offered to readmit to the Union any state whose legislature ratified the Fourteenth Amendment. Only Tennessee did so. All the other former Confederate states, along with Delaware and Kentucky, refused, leaving the amendment temporarily without the necessary approval of three-fourths of the states.

But by now, the Radicals were growing more confident and determined. Bloody race riots in New Orleans and other Southern cities—riots in which African Americans were the principal victims—were among the events that strengthened their hand. In the 1866 congressional elections, Johnson actively campaigned for Conservative candidates, but he did his own cause more harm than good with his intemperate speeches. The voters returned an overwhelming majority of Republicans, most of them Radicals, to Congress. In the Senate, there were now 42 Republicans to 11 Democrats; in the House, 143 Republicans to 49 Democrats. (The South remained largely unrepresented in both chambers.) Congressional Republicans were now strong enough to enact a plan of their own even over the president's objections.

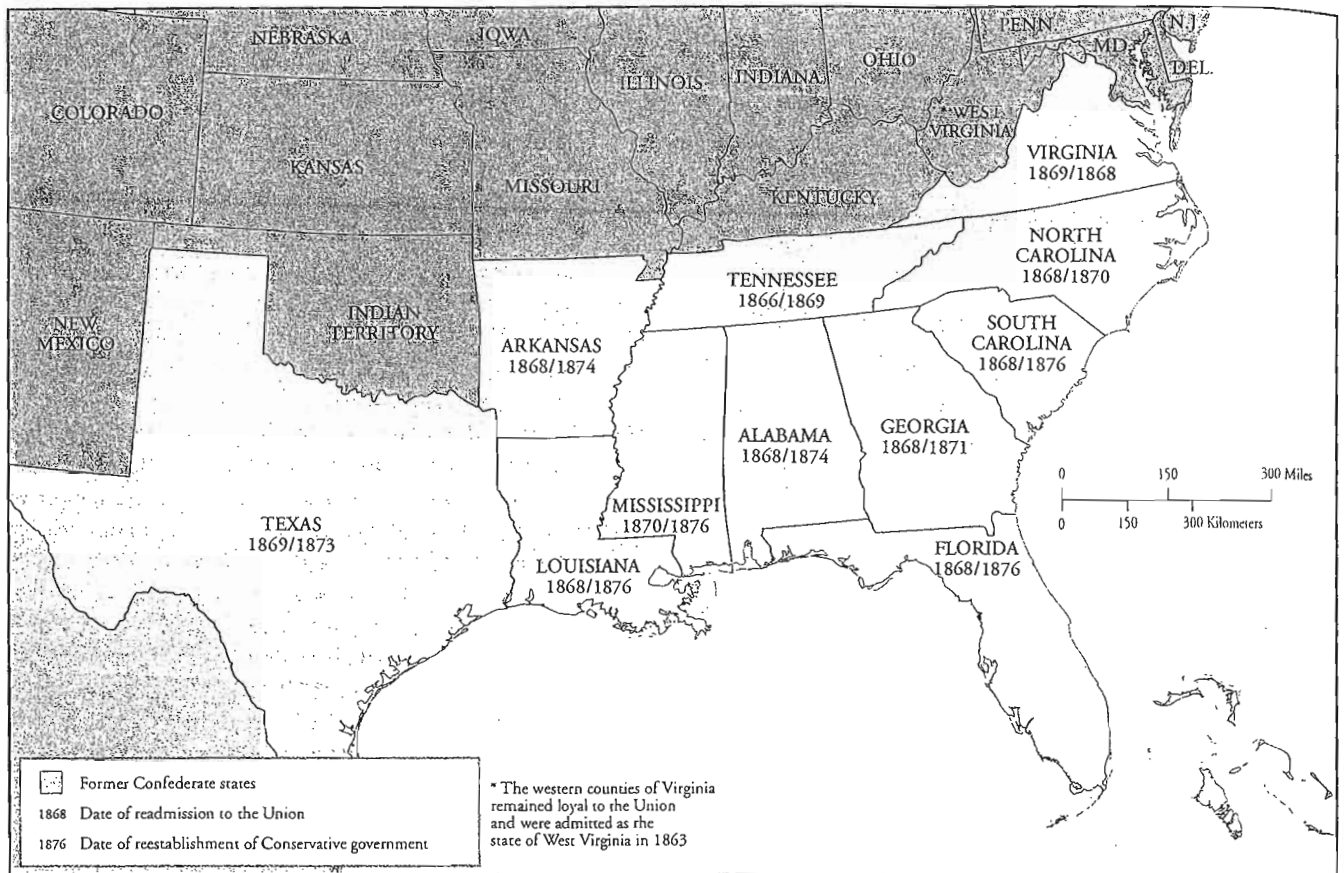
## The Congressional Plan

The Radicals passed three Reconstruction bills early in 1867 and overrode Johnson's vetoes of all of them. These bills finally established, nearly two years after the end of the war, a coherent plan for Reconstruction.

Three Reconstruction Bills



**AMERICAN CITIZENS (TO THE POLLS)** The artist T. W. Wood painted this watercolor of voters standing in line at the polls during the 1866 elections. A prosperous Yankee, a working-class Irishman, and a Dutch coach driver stand next to the newest addition to the American electorate: an African American, whose expression conveys his excitement at being able to join the community of voters. Wood meant this painting to celebrate the democratic character of American life after the Civil War. (*T. W. Wood Art Gallery, Vermont College, Montpelier*)



**RECONSTRUCTION, 1866-1877** This map shows the former Confederate states and provides the dates when each was readmitted to the Union as well as a subsequent date when each state managed to return political power to traditional white, conservative elites—a process white southerners liked to call “redemption.” ~ *What had to happen for a state to be readmitted to the Union? What had to happen before a state could experience “redemption”?*

Under the congressional plan, Tennessee, which had ratified the Fourteenth Amendment, was promptly readmitted. But Congress rejected the Lincoln-Johnson governments of the other ten Confederate states and, instead, combined those states into five military districts. A military commander governed each district and had orders to register qualified voters (defined as all adult black males and those white males who had not participated in the rebellion). Once registered, voters would elect conventions to prepare new state constitutions, which had to include provisions for black suffrage. Once voters ratified the new constitutions, they could elect state governments. Congress had to approve a state's constitution, and the state legislature had to ratify the Fourteenth Amendment. Once that happened, and once enough states ratified the amendment to make it part of the Constitution, then the former Confederate states could be restored to the Union.

By 1868, seven of the ten former Confederate states (Arkansas, North Carolina, South Carolina, Louisiana, Alabama, Georgia, and Florida) had fulfilled these conditions (including ratification of the Fourteenth Amendment, which now became part of the Constitution) and were

readmitted to the Union. Conservative whites held up the return of Virginia and Texas until 1869 and Mississippi until 1870. By then, Congress had added an additional requirement for readmission—ratification of another constitutional amendment, the Fifteenth Amendment, which forbade the states and the federal government to deny suffrage to any citizen on account of “race, color, or previous condition of servitude.”

To stop the president from interfering with their plans, the congressional Radicals passed two remarkable laws of dubious constitutionality in 1867. One, the Tenure of Office Act, forbade the president to remove civil officials, including members of his own cabinet, without the consent of the Senate. The principal purpose of the law was to protect the job of Secretary of War Edwin M. Stanton, who was cooperating with the Radicals. The other law, the Command of the Army Act, prohibited the president from issuing military orders except through the commanding general of the army (General Grant), who could not be relieved or assigned elsewhere without the consent of the Senate.

The congressional Radicals also took action to stop the Supreme Court from interfering with their plans. In 1866, the Court had declared in the case of *Ex parte Milligan* that military tribunals were unconstitutional in places where civil courts were functioning, a decision that seemed to threaten the system of military government the Radicals were planning for the South. Radicals in Congress immediately proposed several bills that would require two-thirds of the justices to support any decision overruling a law of Congress, would deny the Court jurisdiction in Reconstruction cases, would reduce its membership to three, and would even abolish it. The justices apparently took notice. Over the next two years, the Court refused to accept jurisdiction in any cases involving Reconstruction (and the congressional bills concerning the Court never passed).

### The Impeachment of the President

President Johnson had long since ceased to be a serious obstacle to the passage of Radical legislation, but he was still the official charged with administering the Reconstruction programs. As such, the Radicals believed, he remained a serious impediment to their plans. Early in 1867, they began looking for a way to impeach him and remove him from office. Republicans found them, they believed, when Johnson dismissed Secretary of War Stanton despite Congress's refusal to agree, thus deliberately violating the Tenure of Office Act in hopes of testing the law before the courts. Elated Radicals in the House quickly impeached the president and sent the case to the Senate for trial.

The trial before the Senate lasted throughout April and May 1868. The Radicals put heavy pressure on all the Republican senators, but the Moderates (who were losing faith in the Radical program) vacillated. On the first three charges to come to a vote, seven Republicans joined the Democrats and independents to support acquittal. The vote was 35 to 19, one short of the constitutionally required two-thirds majority. After that, the Radicals dropped the impeachment effort.

### Stop here! THE SOUTH IN RECONSTRUCTION

When white Southerners spoke bitterly in later years of the effects of Reconstruction, they referred most frequently to the governments Congress helped impose on them—governments they claimed were both incompetent and corrupt, that saddled the region with enormous debts, and that trampled on the rights of citizens. When black Southerners and their defenders condemned Reconstruction, in contrast, they spoke of the failure of the national and state governments to go far enough to guarantee freedmen even the most elemental

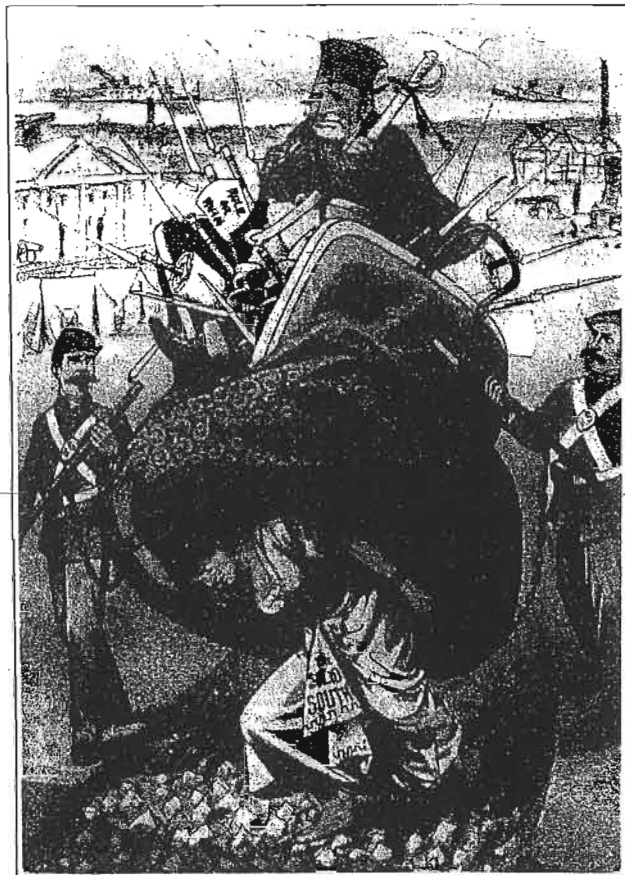
rights of citizenship—a failure that resulted in a harsh new system of economic subordination. (See "Where Historians Disagree," pp. 418–419).

### The Reconstruction Governments

In the ten states of the South that were reorganized under the congressional plan, approximately one-fourth of the white males were at first excluded from voting or holding office. That produced black majorities among voters in South Carolina, Mississippi, and Louisiana (states where blacks were also a majority of the population), and in Alabama and Florida (where they were not). But the government soon lifted most suffrage restrictions so that nearly all white males could vote. After that, Republicans maintained control only with the support of many Southern whites.

Critics called these Southern white Republicans "scalawags." Many were former Whigs who had never felt comfortable in the Democratic Party—some of them wealthy

"Scalawags"



**THE BURDENED SOUTH** This Reconstruction-era cartoon expresses the South's sense of its oppression at the hands of Northern Republicans. President Grant (whose hat bears Abraham Lincoln's initials) rides in comfort in a giant carpetbag, guarded by bayonet-wielding soldiers, as the South staggers under the burden in chains. More evidence of destruction and military occupations is visible in the background. (Culver Pictures, Inc.)

# Reconstruction High School Official Transcript

50 Rice Street  
Wellesley, MA 02148



Wellesley Public Schools

**Focus:** How did the Federal Government attempt to reconstruct the South?  
**Grading System:** A=Superior; B=Very Good; C=Satisfactory; D=Needs Improvement; F=Failure  
**Teacher Comments:** Justify the grade you gave for each category

*Lincoln's* Presidential Reconstruction

Issue	Details of the Plan	Grade	Teacher Comments
How the plan resolved issues of loyalty with ex-confederate leaders?			
How new state governments were formed?			
How the southern economy was rebuilt?			
How freed slaves were integrated into southern society? <ul style="list-style-type: none"> <li>• Land distribution</li> <li>• Social equality</li> <li>• Education</li> <li>• voting</li> </ul>			

# Reconstruction High School Official Transcript

50 Rice Street  
Wellesley, MA 02148



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## Johnson's Presidential Reconstruction

Issue	Details of the Plan	Grade	Teacher Comments
How the plan resolved issues of loyalty with ex-confederate leaders?			
How new state governments were formed?			
How the southern economy was rebuilt?			
How freed slaves were integrated into southern society? <ul style="list-style-type: none"> <li>• Land distribution</li> <li>• Social equality</li> <li>• Education</li> <li>• voting</li> </ul>			

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## Congressional Reconstruction

Issue	Details of the Plan	Grade	Teacher Comments
How the plan resolved issues of loyalty with ex-confederate leaders?			
How new state governments were formed?			
How the southern economy was rebuilt?			
How freed slaves were integrated into southern society? <ul style="list-style-type: none"> <li>• Land distribution</li> <li>• Social equality</li> <li>• Education</li> <li>• voting</li> </ul>			



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Overall Grades and Summative Report

Comments	Presidential	Congressional
Grade		

## Reconstruction Amendments in Your Own Words

AMENDMENT XIII

AMENDMENT XIV

AMENDMENT XV



# A Simple Justice

- Richard Kluger

History has lifted no chief of state to a more exalted eminence than the angular sixteenth President of the United States. Men have come to venerate him as the incomparable exemplar of selfless leadership, as much spiritual as political in essence. He sits there in Washington still, like God Himself in judgment of us all,

iconography aside, Abraham Lincoln was a man of his time and place and station. He was not a passionate freedom fighter or a believer in the equality of all men of all races. Lincoln's own words belie his latter-day reputation. In his series of seven stump debates with Stephen Douglas for the latter's senatorial seat in 1858, the tall man won much applause for declaring his unequivocal opposition to social and political equality for blacks. He did not approve of their voting. Or holding office. Or serving on juries. Or, to be sure, marrying whites. He favored their ultimate resettlement back in Africa, but so long as they remained in America "... there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race." In the White House, he held to his views. He told a delegation of visiting free black leaders that in his judgment most white Americans did not want the black man to remain on their shores. His opposition to slavery and its cruelties was firm, but he came into the presidency emphasizing that he had no wish to end the practice where it prevailed—only to prevent its spread. His entire purpose was to preserve the Union. But the South was unified and militant, the North divided and uncertain. Lincoln was a minority President, a nobody-much from out of the West, and homely as sin. A fratricidal war to keep the long-sparring halves of the country together was beyond the endurance of a badly splintered electorate, the South assumed. Preservation of the Union was simply too abstract a ground to fight upon, and so it would be a swift and successful rebellion, after which the Confederacy and the Union might deal with one another as equals.

But it soon became clear that it would not be a short contest. The South had a mission and better generals. The North had far more people and money. Lincoln's moderate position on the aims of the war gave way as the ghastly killing mounted. Since, at bottom, the black man was the issue, he would have to be freed if a war of this magnitude were to be morally justified. Lincoln proposed a constitutional amendment to accomplish the task. It provided for gradual, voluntary emancipation, culminating no later than the year 1900. The slaveholding states would administer the process themselves, and the federal government would cooperate in reimbursing slaveholders for the loss of their mortal property and in helping colonize the freed slaves. But the country was moving swiftly to a far more radical view of the issue. Lincoln's amendment was not seriously entertained by Congress. He could not hold the anti-slavery forces in check. Men's passions rose with the body count. The war had passed the stage of a police action. The next step would move the sides beyond any hope of reconciliation.

He delayed it as long as he could. He twice overruled field commanders who had issued edicts of abolition in their war zones. He pondered the obviously troubling matter of constitutional authority for the step. The Constitution had left the lawfulness of slavery up to the separate states. The only legal ground Lincoln could plausibly stand on in issuing the Emancipation Proclamation was that of

war-emergency power in his role as commander-in-chief, and so he used it on the first day of the year 1863. Technically, it is true, it did not free anybody within Lincoln's territorial command. It applied only to those slaves in rebel states, excluding parts of Virginia and Louisiana then under Union control. It did not mention the rest of the Union, for there would have been no military justification for such a step. But it did confirm what was happening on the battlefield: it formally invited freed slaves to join the Union army—a step they had taken right along.

Emancipation as a war measure only would not suffice, and for the better part of the next two years Congress debated the wording and implications of a constitutional amendment to free the slaves forever. What rights were to be enjoyed by the freedmen? Were they to become citizens like any other despite their obvious disabilities? Was there perhaps some intermediate stage of citizenship through which the black people ought to evolve? From the language of the Thirteenth Amendment as finally proposed by resolution of Congress on the last day of January 1865, such questions seem not to have been confronted:

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

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

In fact, the sweep of the amendment had been debated endlessly, and the prevailing view was that by emancipation, every freed black man would stand equal before the law with every white one—except in the matter of voting. Even the most radical of the Republicans and abolitionists, not excluding Horace Greeley and William Lloyd Garrison, were not willing to go that far. By the second section of the amendment, Congress was empowered to take active steps against any state that perpetuated the practice of slavery or the deprivation of rights resulting from it. Opponents of the amendment were left shaken by the very sweep of the measure. It would revolutionize the Constitution, not amend it, they said. It was a wholesale, unwarrantable invasion of the rights of the states and a grievous extension of the power of the central government beyond any bounds ever envisioned for it. The entire federal compact was imperiled by the step. Yet it passed Congress overwhelmingly and was ratified within ten months by twenty-seven states. The niceties of the thus redefined federal compact were dwarfed by the enormity of the conflict just ended. And so the law of the land, seventy-eight years after it was first drawn, now held that the black man was five-fifths of a human being. Beyond that, the language itself did not go, whatever the framers and opponents of the new amendment chose to read into it in the early months of 1865.

Ranged against those few words on paper were two centuries of custom. The black man was clearly going to need help to make his freedom a fact as well as a

right. He could scarcely look for that help from the people who had subjugated him, and so he looked North and to the Yankee troops in his midst.

Soon after passing the Thirteenth Amendment, Congress took the first step. It was a modest one, given the size of the problem presented by the sudden casting adrift of four million black souls with very few pennies to their names. It was a new creature of the War Department, and its manifold functions were reflected in its inelegant name: The Bureau of Refugees, Freedmen, and Abandoned Lands—for short, the Freedmen's Bureau. Upon it was heaped an unimaginable number of chores: provision of food, clothing, and medical care for refugees both white and black; their resettlement on abandoned or confiscated lands where available; overseeing the transition of freedmen to the status of workingmen with full contractual rights in dealing with landlords; and the establishment of schools to achieve at least marginal literacy as rapidly and as widely as possible. The bureau was given one year to function after the war ended and very meager funding. But it was a start, at least—a place for the bewildered freedman to turn. A month after the bill was enacted, Lee surrendered to Grant at Appomattox. Five days later, Abraham Lincoln was dead. The fate of the black man's transition from slavery to liberty now passed into the hands of a man from Tennessee who, it turned out, did not much favor it.

Andrew Johnson, a spiritual and political descendant of Andrew Jackson, hated slavery more for what it had done to the poor-whites of the South than to those in actual bondage. He had favored the war because, frankly, it had “freed more whites than blacks.” An avowed foe of the planters, the new President nevertheless soon showed himself to be an easy mark for the fallen masters of the Confederacy. To regain admission to the Union and its seats in Congress, each state of the late Confederacy was obliged only to summon a constitutional convention—to qualify as a participant one had merely to take a non-blood oath of allegiance to the Union or to have been formally pardoned by the President—that would repeal its acts of secession, repudiate the Confederate debt, and abolish slavery in conformity with the Thirteenth Amendment. The planters and other scarcely remorseful Confederates who quickly took command of the new governments saw that this piddling business was disposed of in a fashion that ranged from perfunctory to occasionally outright defiant (South Carolina, for example, refused to repudiate the Confederate debt). By December of 1865, Andrew Johnson reported to Congress that his plan for reconstruction had been accomplished. Congress listened to the President, reviewed reports to it by investigators it had sent South, and concluded that neither the President nor the former Confederate States of America understood what the war had been all about and who had won it.

Aside from abolishing slavery, the South would voluntarily make no provision at all for the African American. His liberation had cost the plantocracy between two and three billion dollars, using the pre-war auction-block price per head as the basis for calculation. That was a great deal of value to lose overnight. The very sight of a former slave was reminder to his former owner that the world had changed drastically. Those proud heads born to command had been made to bend. They did not like the sensation. Whites of all classes viewed any deviation

*= pre-Civil war era*

from the antebellum fashion of subservience as a display of impudence by the black man and did not hesitate to beat him for it. He was, after all, no longer the property of a white man. The journalist Carl Schurz reported back to the Senate:

Wherever I go—the street, the shop, the house, the hotel, or the steamboat—I hear the people talk in such a way as to indicate that they are yet unable to conceive of the Negro as possessing any rights at all. . . . To kill a Negro, they do not deem murder; to debauch a Negro woman, they do not think fornication; to take the property away from a Negro, they do not consider robbery. The people boast that when they get freedmen's affairs in their own hands, to use their own expression, "the niggers will catch hell."

The reason of all this is simple and manifest. The whites esteem the blacks their property by natural right, and however much they admit that the individual relations of masters and slaves have been destroyed . . . they still have an ingrained feeling that the blacks at large belong to the whites at large.

State policy followed private conviction. None of the states reconstructed under the Johnson plan gave the freedman the vote or any other form of participation in the civic life of his state. Nor did any of the state governments make provisions for the education of the freedman. The prevailing view was that a little learning would spoil a black man for hard work, and if he were not available to till the fields, it was not readily apparent who would be.

Beyond such sins of omission, the so-called reconstructed states of the South displayed their active truculence by imposing a series of tightly restrictive laws on the movement and behavior of their former slaves. These Black Codes were designed to fasten the African American to the very misfortune he sought to escape. To seek more attractive work terms, a freedman would of course have had to leave his old plantation in search of a new arrangement, but the moment he did so, he was liable to charges of vagrancy and a fine. The fine might be paid by any landholder, who could then command the alleged vagrant's services—a form, that is, of involuntary servitude proscribed by the newly effective Thirteenth Amendment. In Florida, any black man failing to fulfill his employment contract or who was impudent to the owner of the land he worked was subject to being declared a vagrant and punished accordingly. In Louisiana, the black laborer had to enter into a written contract within the first ten days of the year and, having done so, "shall not be allowed to leave his place of employment until the fulfillment of his contract, unless by consent of his employer . . . and if they do so leave, without cause or permission, they shall forfeit all wages earned to the time of abandonment." Mississippi simply re-enacted its old slave codes *en masse*. And South Carolina, as usual, set the standard of vehemence for the South. No "person of color" was permitted to enter and reside in the state unless he posted a bond within twenty days of arriving, guaranteed by two white property owners, for \$1,000 "conditioned for his good behavior, and for his support." Any black who wished to work in the state at an occupation other than farmer or servant had to be especially

licensed, had to prove his or her fitness for the work, and pay an annual tax ranging from \$10 to \$100. To do farm work, a black in South Carolina had to have a written contract, attested to by white witnesses; failure to obtain one before commencing to work was a misdemeanor punishable by a fine of from \$5 to \$50. Contracting blacks were known as "servants" and the contractors as "masters." Labor was from sunrise to sunset; servants were to be quiet and orderly and to go to bed at a reasonable time. Masters might discharge servants for disobedience, drunkenness, disease, or any of a number of other reasons, none requiring corroboration. A master could command a servant to aid him in defense of his own person, family, or property. The right to sell farm products "without having written evidence from such master, or some person authorized by him, or from the district judge or a magistrate, that he has the right to sell such product" was strictly forbidden.

Such measures, President Johnson told the Senate with a straight face in December of 1865, "confer upon freedmen the privileges which are essential to their comfort, protection, and security." But Congress would not acquiesce in that judgment. The South had been handed an olive branch and, in the fury of defeat, had shaped it into a whip. A less willful people would perhaps have known what the South had failed to appreciate: if it did not rein in its excessive intolerance of the free black man, the North would force it to do so.

After December of 1865, Johnson was a President who presided in name only. Congress formed the powerful Joint Committee of Fifteen to monitor the rest of the reconstruction process. Its dominant voice belonged to the seventy-three-year-old Pennsylvanian Thaddeus Stevens, a founder of the Republican Party, who declared that America did not stand for "white man's government" and to say as much was "political blasphemy, for it violates the fundamental principles of our gospel of liberty. This is man's government; the government of all men alike." Lincoln would have put it more eloquently, no doubt, and would perhaps have proven a man for all seasons, while Stevens was portrayed by his detractors as a crotchety old bachelor bitter over his lifelong condition as a cripple and vindictive toward the South ever since Lee's army had destroyed his ironworks in Caledonia, Pennsylvania. Whether by animus or conviction, Stevens was moved to drive Congress to act.

The Thirteenth Amendment had nationalized the right to freedom. And it made Congress the instrument to enforce that right. Congress began to do so early in 1866 by two acts of legislation—the extension of the Freedmen's Bureau Bill and the first Civil Rights Act. The two acts shared a premise: freedmen were to be protected in their "civil rights and immunities" by the government of the United States and not left to the unmerciful ministrations of the states. In the case of the Freedmen's Bureau Bill, the protection would be carried out by agents of the federal bureau; in the case of the Civil Rights Bill, by the federal courts. Nor were those "rights and immunities" left as generalized pledges. Both of the bills contained a section specifying in identical language the guaranteed rights that, when taken together, were aimed directly at destroying the plainly vicious Black Codes.

Among them were the right to make and enforce contracts; the right to buy, sell, and own real and personal property; the right to sue, be parties in a legal action, and give evidence; and most sweeping and basic of all, the right to "full and equal benefit of all laws and proceedings for the security of person and estate." As a package these rights embodied the basic tenet of abolitionist theory—that liberty was inseparable from equality—and transformed it into law.

In the profound congressional debates over the two bills, their proponents argued that the Thirteenth Amendment plainly mandated that there could no longer be one set of rules governing the conduct of black men and another for whites. Any statute that was not equal to all was an encroachment on the liberty of American society as a whole. Congress was henceforth to be the bulwark against such inequities. Conservatives, reversing their earlier position, now argued that the operation of the amendment had never been thought to be wider than "to cover the relation which existed between the master and his Negro African slave . . . and the breaking up of it." Any wider application of the amendment, the minority argued, exceeded the power it conveyed to the federal government and threatened to alter radically and irreparably the very nature of the federal compact.

But Congress was clearly ready to take revolutionary steps in the federal-state relationship. Both the Freedmen's Bureau and Civil Rights bills were passed vetoed by President Johnson, and passed again over his veto. Still, the conservatives had made their point. Doubts lingered as to the constitutionality of the radical new laws. Thaddeus Stevens and others guiding the process of what came to be called Radical Reconstruction felt that it was essential to place these newly won rights of the freedman beyond the power of congressional majorities that might shift in the future, fasten a far more restrictive interpretation on the Thirteenth Amendment, and overturn such measures as the Freedmen's Bureau and Civil Rights bills. Another constitutional amendment was therefore required. It would in effect do again what the majority in Congress thought it had done in shaping the Thirteenth Amendment in the first place—give the freed black people of America the same rights as everyone else. This time, though, the language would be far more explicit and sweeping and place the rights guaranteed beyond all constitutional doubt. Certainly the new amendment was revolutionary. Without doubt it was changing the previous division of powers between the state and federal governments. Without doubt it promoted the United States as an interloper between every state and its inhabitants. And without doubt its language asserted that the black man was not only no longer a slave but could not be shunted into some indeterminate limbo between slavery and full citizenship. On June 13, 1866, Congress proposed the Fourteenth Amendment to the Constitution. The first section declared:

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.

The fifth and final section of the amendment gave Congress the same power to enforce it "by appropriate legislation" as the federal legislature had received under the second section of the Thirteenth Amendment. Deciding what was "appropriate" would, in short order, provoke heated disagreement. Indeed, the debate has never been settled.

intent to  
punish  
south

The middle three sections of the new amendment were plainly and intentionally punitive. No former state or federal officeholder who had violated his oath to the Constitution by joining the late Confederate rebellion could now hold state or federal office until Congress lifted the ban by a two-thirds vote at some future date. Furthermore, and excruciatingly painful to many of the South's most ardent defenders, neither the United States nor any state government was to honor any debt 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." Holders of Confederate currency and bonds were out of pocket an estimated \$3 billion. And they would never get it back. Added to the reported value of their emancipated slaves and confiscated property, the total financial bloodbath cost the South, according to a later report to the House of Representatives, some \$5.2 billion. For the first fifty years of the nation's history, total federal governmental expenditures had come to little more than \$1 billion. The federal budget would not run as high as \$5 billion in a peacetime year until the New Deal. The unrecoverable losses of the financiers of the Confederacy, then, were of a stupendous proportion and left the region supine before the impending economic takeover by the North.

Though a constitutional amendment does not require the President's approval, Andrew Johnson made his disapproval of the Fourteenth Amendment widely known. The South did not need his advice, of course, to see that the full weight of defeat that it had so far avoided would now come crashing down upon it. As if it had a real option in the matter, ten of the eleven states in the Confederacy refused to ratify the Amendment that they saw as suicidal. Only Tennessee acceded. Three state legislatures rejected the amendment unanimously. The South's defiance now helped hand the Radical Republicans almost total control of the machinery of government in the United States. In the 1866 elections, they won every state legislature, every gubernatorial contest, and more than two-thirds of the seats in both houses of Congress, thereby assuring the party of enough strength to overcome any presidential veto.

The new Congress went right to work. In March of 1867 it passed the First Reconstruction Act. The ten Southern state governments that had failed to ratify the Fourteenth Amendment were ordered disbanded, the states were divided into five military districts, and high civil and military officials of the Confederacy were barred from the state conventions that were to be summoned to pass new constitutions, ratify the Fourteenth Amendment, and—most traumatic of all for the white South—give the black man the right to vote. Only when these steps had been taken would Union bayonets be withdrawn and the South's congressional delegations be seated again in Washington. Three other Reconstruction measures were slammed through in the next twelve months to detail how the process of political



rehabilitation was to be carried out, and to leave little to the imagination of reluctant ex-Confederates.

Nothing about the program infuriated the South more than the obligation to let the freedmen vote. It was a step that had caused sharp debate in the North, where many feared that the African American would be easily manipulated by his former master or readily intimidated into voting against the Republican ticket. Ninety-five percent of the blacks, after all, could not read. The massive Republican election victory in 1866, however, emboldened the shapers of Radical Reconstruction. The fickleness of the public did not have to be impressed upon them. The Republican Party, if it was to retain power, needed the black vote. Thaddeus Stevens saw no sin in admitting as much: "I believe, on my conscience, that on the continued ascendancy of [my] party depends the safety of this great nation. If impartial"—he meant Negro—"suffrage is excluded in the rebel States then every one of them is sure to send a solid rebel"—he meant Democratic—"representation to Congress, and cast a solid rebel electoral vote." A Democratic Congress and President were sure to follow.

Less candidly acknowledged was the stake of Northern business interests in perpetuating Republican economic policies. At war's end, the nation was on the threshold of unparalleled prosperity. It had raw materials, a growing capability to process and manufacture them, and a transportation system flinging its iron tentacles in every direction. By 1868, the railroad had spanned the continent. The Eastern financiers who controlled most of this frenetic activity wanted no barriers in their way—surely nothing like a renewal of the rural-agrarian alliance of Southern and Western interests that had dominated national politics in the decades leading up to the Civil War. Thus, the Congress that was busily dismantling Andrew Johnson's balsawood reconstruction of the South was also using its newly won power to enhance the interests of Eastern money and the rising middle class that was beginning to feed off it. There were tariffs to protect iron and wool manufacturers, among others. The railroads were handed enormous bounties, thousands of square miles of open land on both sides of their trackage, and a variety of other subsidies that, however well rationalized as being in the national interest, were blatant giveaways. Timber and mineral rights on federal lands were sold to private enterprises that paid scandalously little for them. A new national banking and monetary system was established and aimed at providing the maximum benefit to the capital-supplying interests. A sound paper currency was created and secured by government bonds, and a prohibitive federal tax discouraged circulation of notes issued by often irresponsible state banks. To protect and extend such measures, the business bloc piloting the Republican ship was persuaded that black votes were essential.

Unquestionably, some members of the abolitionist wing of the party and others with a primarily humanitarian interest favored black enfranchisement as the morally correct action, as the final step in the conversion of the African American from a bondsman to truly a freedman. That the measure was more of a political and economic device, and a punitive slap at the South, than the culminating ritual in the anointment of the Negro as citizen is testified to by the Republicans' reluc-



ance to extend the vote to blacks in the rest of the nation. Not until after the 1868 election returns had been verified did the party introduce the Fifteenth Amendment in February of 1869. Thirteen months later, it had been ratified by twenty-nine states, and to the law of the land were now added the words:

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.

Congress was shortly obliged to use its enforcement power as the South exploded in wrath over the humiliating new amendment. The Ku Klux Klan rode out in force and other terrorist groups struck when more than 700,000 former slaves registered as voters and the flower of Confederate manhood was itself banned from the polls by the Fourteenth Amendment. To blunt the reign of terror, Congress passed stiff election-enforcement bills against the Klan and empowered the Army to combat it and oversee the polling process.

Enactment of black suffrage and laws to enforce the right were the high-water mark of Radical Reconstruction. As much as could be done by laws for the ex-slave had now been done, it was widely felt outside the South. A long, sometimes bitter legislative fight under the direction of abolitionist Senator Charles Sumner of Massachusetts, Thaddeus Stevens's comrade-in-arms through the early stages of the Reconstruction drive, was necessary before Congress voted the Civil Rights Act of 1875 under the enforcement provision of the Fourteenth Amendment. It was the last plank in a decade of remarkable legislation that may be said to have marked the true completion of the American Revolution. The new act of 1875 asserted that all people regardless of race or color were guaranteed "the full and equal enjoyment of the accommodations . . . of inns, public conveyances on land or water, theatres and other places of public amusement" and that no one was to be disqualified for jury service because of race, color, or previous condition of servitude. But Sumner had lost his fight to have unsegregated schools included among the rights guaranteed by the bill. Given the rudimentary nature of the public school system in the nation at the time, it did not seem a critical issue. So much else had been won in just ten tumultuous years. The Constitution had been amended three times and dozens of supporting bills had been passed by Congress to provide the black man with freedom, equality, and the vote.

### *Simple Justice Socratic Seminar*

As you read through, *Simple Justice*, take specific notes and reference page numbers, high light quotes, and generate commentary/questions on each of the following points/questions. The day of the Socratic seminar you will be expected to engage thoroughly in a discussion surrounding one of the topics below-you will not know which group you are in until the day of the seminar, so prepare for each. Your grade will be a reflection of your participation/performance in the seminar.

1. Evaluate Lincoln's intentions/motivations for Reconstruction.
2. What was the intent behind the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> amendments and how was that intent carried through?
3. Compare and contrast the social, political, and economic effects of Reconstruction in the North and South?
4. How do we see federalism in practice during Reconstruction?

the whole dead past," wrote Timothy Howe, a Republican senator from Wisconsin, "and have cast our anchor out a hundred years" into the future. The Reconstruction Act of 1867 inaugurated America's first real experiment in interracial democracy.

### RADICAL RECONSTRUCTION IN THE SOUTH

#### "THE TOCSIN OF FREEDOM"

Among the former slaves, the passage of the Reconstruction Act inspired an outburst of political organization. At mass political meetings—community gatherings attended by men, women, and children—African-Americans staked their claim to equal citizenship. Blacks, declared an Alabama meeting, deserved "exactly the same rights, privileges and immunities as are enjoyed by white men. We ask for nothing more and will be content with nothing less."

These gatherings inspired direct action to remedy long-standing grievances. Hundreds took part in sit-ins that integrated horse-drawn public streetcars in cities across the South. Plantation workers organized strikes for higher wages. Speakers, male and female, fanned out across the South. Frances Ellen Watkins Harper, a black veteran of the abolitionist movement, embarked on a two-year tour, lecturing on "Literacy, Land, and Liberation." James D. Lynch, a member of the group that met with General Sherman in 1865, organized Republican meetings. He became known, in the words of a white contemporary, as "a great orator, fluid and graceful," who "stirred the emotions" of his listeners "as no other man could do."

Determined to exercise their new rights as citizens, thousands joined the Union League, an organization closely linked to the Republican Party, and the vast majority of eligible African-Americans registered to vote. James K. Green, a former slave in Hale County, Alabama, and a League organizer, went on to serve eight years in the Alabama legislature. In the 1880s, Green looked back on his political career. Before the war, he declared, "I was entirely ignorant; I knew nothing more than to obey my master; and there were thousands of us in the same attitude. . . . But the tocsin [warning bell] of freedom sounded and knocked at the door and we walked out like free men and shouldered the responsibilities."

By 1870, all the former Confederate states had been readmitted to the Union and in a region where the Republican Party had not existed before the war, nearly all were under Republican control. Their new state constitutions, drafted in 1868 and 1869 by the first public bodies in American history with substantial black representation, marked a considerable improvement over those they replaced. The constitutions greatly expanded public responsibilities. They established the region's first state-funded systems of free public education, and created new pen-

Taken from:

Foner, Eric. Give Me Liberty!: An American History. New York: W.W. Norton,  
2005. P28

The First Vote, an engraving from Harper's Weekly, November 16, 1867, depicts the first biracial elections in southern history. The voters represent key sources of the black political leadership that emerged during Reconstruction—the artisan carrying his tools, the well-dressed city person (probably free before the war), and the soldier.



itentiaries, orphan asylums, and homes for the insane. The constitutions guaranteed equality of civil and political rights and abolished practices of the antebellum era such as whipping as a punishment for crime, property qualifications for officeholding, and imprisonment for debt. A few states initially barred former Confederates from voting, but this policy was quickly abandoned by the new state governments.

#### THE BLACK OFFICEHOLDER

Throughout Reconstruction, black voters provided the bulk of the Republican Party's support. But African-Americans did not control Reconstruction politics, as their opponents frequently charged. The highest offices remained almost entirely in white hands, and only in South Carolina, where blacks made up 60 percent of the population, did they form a majority of the legislature. Nonetheless, the fact that some 2,000 African-Americans occupied public offices during Reconstruction represented a fundamental shift of power in the South and a radical departure in American government.

African-Americans were represented at every level of government. Fourteen were elected to the national House of Representatives. Two blacks served in the U.S. Senate during Reconstruction, both representing Mississippi. Hiram Revels, who had been born free in North Carolina, was educated in Illinois, and served as a chaplain in the wartime Union army, in 1870 became the first black senator in American history. The second, Blanche K. Bruce, a former slave, was elected in 1875. Since then, only two African-Americans—Edward W. Brooke

of Massachusetts (who served 1967–1978) and Carol Moseley Braun of Illinois (1993–1998)—have held seats in the Senate.

Pinckney B. S. Pinchback of Louisiana, the Georgia-born son of a white planter and free black woman, served briefly during the winter of 1872–1873 as America's first black governor. Over a century would pass before L. Douglas Wilder of Virginia, elected in 1989, became the second. Some 700 blacks sat in state legislatures during Reconstruction, and scores held local offices ranging from justice of the peace to sheriff, tax assessor, and policeman. The presence of black officeholders and their white allies made a real difference in southern life, ensuring that blacks accused of crimes would be tried before juries of their peers and enforcing fairness in such aspects of local government as road repair, tax assessment, and poor relief.

In South Carolina and Louisiana, homes of the South's wealthiest and best-educated free black communities, most prominent Reconstruction officeholders had never experienced slavery. In addition, a number of black Reconstruction officials, like Pennsylvania-born Jonathan J. Wright, who served on the South Carolina Supreme Court, had come from the North after the Civil War. The majority, however, were former slaves who had established their leadership in the black community by serving in the Union army, working as ministers, teachers, or skilled craftsmen, or engaging in Union League organizing. Among the most celebrated black officeholders was Robert Smalls, who had worked as a slave on the Charleston docks before the Civil War, and who won national fame in 1862 by secretly guiding the *Planter*, a Confederate vessel, out of the harbor and delivering it to Union forces. Smalls became a powerful political leader on the South Carolina Sea Islands, and was elected to five terms in Congress.

#### CARPETBAGGERS AND SCALAWAGS

The new southern governments also brought to power new groups of whites. Many Reconstruction officials were northerners who for one reason or another ~~had made their homes in the South after the war. Their opponents dubbed~~ them "carpetbaggers," implying that they had packed all their belongings in a suitcase and left their homes in order to reap the spoils of office in the South. Some carpetbaggers were undoubtedly corrupt adventurers. The large majority, however, were former Union soldiers who decided to remain in the South when the war ended, before there was any prospect of going into politics. Others were investors in land and railroads who saw in the postwar South an opportunity to combine personal economic advancement with a role in helping to substitute, as one wrote, "the civilization of freedom for that of slavery." Teachers, Freedmen's Bureau officers, and others who came to the region genuinely hoping to assist the former slaves represented another large group of "carpetbaggers."

Most white Republicans, however, had been born in the South. Former Confederates reserved their greatest scorn for these "scalawags," whom they considered traitors to their race and region. Some southern-born Republicans were men of stature and wealth, like James L. Alcorn, the owner of one of Mississippi's largest plantations and the state's first Republican governor.

Most "scalawags," however, were nonslaveholding white farmers from the southern upcountry. Many had been wartime Unionists and they now cooperated with the Republicans in order to prevent "rebels" from returning to power. Others hoped Reconstruction governments would help them recover from wartime economic losses by suspending the collection of debts and enacting laws protecting small property holders from losing their homes to creditors. In states like North Carolina, Tennessee, and Arkansas, Republicans initially commanded a significant minority of the white vote. Even in the Deep South, the small white Republican vote was important, because the population remained almost evenly divided between blacks (almost all of whom voted for the party of Lincoln) and whites (overwhelmingly Democratic).

#### **SOUTHERN REPUBLICANS IN POWER**

In view of the daunting challenges they faced, the remarkable thing is not that Reconstruction governments in many respects failed, but how much they did accomplish. Perhaps their greatest achievement lay in establishing the South's first state-supported public schools. The new educational systems served both black and white children, although generally in schools segregated by race. Only in New Orleans were the public schools integrated during Reconstruction, and only in South Carolina did the state university admit black students (elsewhere separate colleges were established). By the 1870s, in a region whose prewar leaders had made it illegal for slaves to learn and had done little to provide education for poorer whites, over half the children, black and white, were attending public schools. The new governments also pioneered civil rights legislation. Their laws made it illegal for railroads, hotels, and other institutions ~~to discriminate on the basis of race. Enforcement varied considerably from~~ locality to locality, but Reconstruction established for the first time at the state level a standard of equal citizenship and a recognition of blacks' right to a share of public services.

Republican governments also took steps to strengthen the position of rural laborers and promote the South's economic recovery. They passed laws to ensure that agricultural laborers and sharecroppers had the first claim on harvested crops, rather than merchants to whom the landowner owed money. South Carolina created a state Land Commission, which by 1876 had settled 14,000 black families and a few poor whites on their own farms.

Rather than land distribution, however, the Reconstruction governments pinned their hopes for southern economic growth and opportunity for African-

Americans and poor whites alike on regional economic development. Railroad construction, they believed, was the key to transforming the South into a society of booming factories, bustling towns, and diversified agriculture. "A free and living republic," declared a Tennessee Republican, would "spring up in the track of the railroad." Every state during Reconstruction helped to finance railroad construction, and through tax reductions and other incentives tried to attract northern manufacturers to invest in the region. The program had mixed results. Economic development in general remained weak. With abundant opportunities existing in the West, few northern investors ventured to the Reconstruction South.

To their supporters, the governments of Radical Reconstruction presented a complex pattern of disappointment and accomplishment. A revitalized southern economy failed to materialize, and most African-Americans remained locked in poverty. On the other hand, biracial democratic government, a thing unknown in American history, for the first time functioned effectively in many parts of the South. Public facilities were rebuilt and expanded, school systems established, and legal codes purged of racism. The conservative elite that had dominated southern government from colonial times to 1867 found itself excluded from political power, while poor whites, newcomers from the North, and former slaves cast ballots, sat on juries, and enacted and administered laws. "We have gone through one of the most remarkable changes in our relations to each other," declared a white South Carolina lawyer in 1871, "that has been known, perhaps, in the history of the world." It is a measure of how far change had progressed that the reaction against Reconstruction proved so extreme.

## **THE OVERTHROW OF RECONSTRUCTION**

### **RECONSTRUCTION'S OPPONENTS**

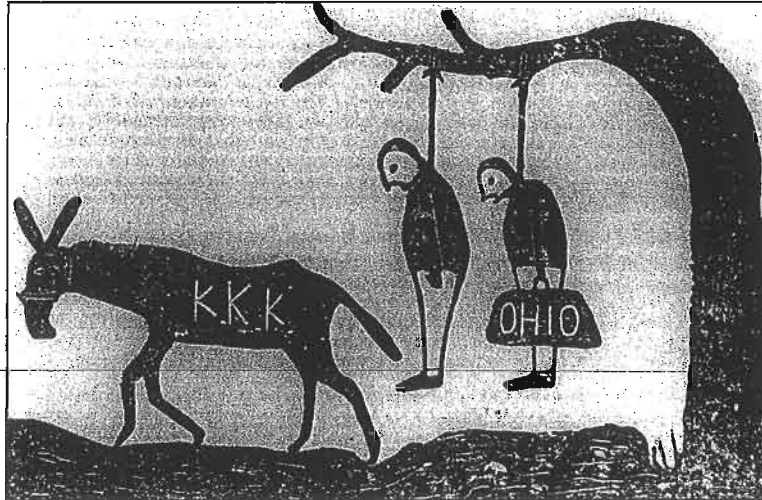
The South's traditional leaders—planters, merchants, and Democratic politicians—bitterly opposed the new governments. They denounced them as corrupt, inefficient, and examples of "black supremacy."<sup>4</sup> "Intelligence, virtue, and patriotism" in public life, declared a protest by prominent southern Democrats, had given way to "ignorance, stupidity, and vice." Corruption did exist during Reconstruction, but it was confined to no race, region, or party. The rapid growth of state budgets and the benefits to be gained from public aid led in some states to a scramble for influence that produced bribery, insider dealing, and a get-rich-quick atmosphere. Southern frauds, however, were dwarfed by those practiced in these years by the Whiskey Ring, which involved high officials of the Grant administration, and by New York's Tweed Ring, controlled by the Democrats, whose thefts ran into the tens of millions of dollars. (These are discussed in the next chapter.) The rising taxes needed to pay for schools

and other new public facilities and to assist railroad development were another cause of opposition to Reconstruction. Many poor whites who had initially supported the Republican Party turned against it when it became clear that their economic situation was not improving.

The most basic reason for opposition to Reconstruction, however, was that most white southerners could not accept the idea of former slaves voting, holding office, and enjoying equality before the law. In order to restore white supremacy in southern public life and to ensure planters a disciplined, reliable labor force, they believed, Reconstruction must be overthrown. Opponents launched a campaign of violence in an effort to end Republican rule. Their actions posed a fundamental challenge both for Reconstruction governments in the South and for policymakers in Washington, D.C.

#### **"A REIGN OF TERROR"**

The Civil War ended in 1865, but violence remained widespread in large parts of the postwar South. In the early years of Reconstruction, violence was mostly local and unorganized. Blacks were assaulted and murdered for refusing to give way to whites on city sidewalks, using "insolent" language, challenging



A Prospective Scene in the City of Oaks, a cartoon in the September 1, 1868, issue of the Independent Monitor, a Democratic newspaper published in Tuscaloosa, Alabama. The cartoon sent a warning to the Reverend A. S. Lakin, who had moved from Ohio to become president of the University of Alabama, and Dr. N. B. Cloud, a southern-born Republican serving as Alabama's superintendent of public education. The Ku Klux Klan forced both men from their positions.

end-of-year contract settlements, and attempting to buy land. The violence that greeted the advent of Republican governments after 1867, however, was far more pervasive and more directly motivated by politics. In wide areas of the South, secret societies sprang up with the aim of preventing blacks from voting and destroying the organization of the Republican Party by assassinating local leaders and public officials.

The most notorious such organization was the Ku Klux Klan, which in effect served as a military arm of the Democratic Party in the South. Founded in 1866 in Tennessee, the Klan soon became a criminal conspiracy that spread into nearly every southern state. Led by planters, merchants, and Democratic politicians, men who liked to style themselves the South's "respectable citizens," the Klan committed some of the most brutal criminal acts in American history. In many counties, it launched what one victim called a "reign of terror" against Republican leaders, black and white.

The Klan's victims included white Republicans, among them wartime Unionists and local officeholders, teachers, and party organizers. William Luke, an Irish-born teacher in a black school, was lynched in 1870. But African-Americans—local political leaders, those who managed to acquire land, and others who in one way or another defied the norms of white supremacy—bore the brunt of the violence. In York County, South Carolina, where nearly the entire white male population joined the Klan (and women participated by sewing the robes and hoods Klansmen wore as disguises), the organization committed eleven murders and hundreds of whippings.

On occasion, violence escalated from assaults on individuals to mass terrorism and even local insurrections. In Meridian, Mississippi, in 1871, some thirty blacks were murdered in cold blood, along with a white Republican judge. The bloodiest act of violence during Reconstruction took place in Colfax, Louisiana, in 1873, where armed whites assaulted the town with a small cannon. Hundreds of former slaves were murdered, including fifty members of a black militia unit after they had surrendered.

Unable to suppress the Klan, the new southern governments appealed to Washington for help. In 1870 and 1871, Congress adopted three Enforcement Acts, outlawing terrorist societies and allowing the president to use the army against them. These laws continued the expansion of national authority during Reconstruction. They defined crimes that aimed to deprive citizens of their civil and political rights as federal offenses rather than violations of state law. In 1871, President Grant dispatched federal marshals, backed up by troops in some areas, to arrest hundreds of accused Klansmen. Many Klan leaders fled the South. After a series of well-publicized trials, the Klan went out of existence. In 1872, for the first time since the Civil War, peace reigned in most of the former Confederacy.



### THE LIBERAL REPUBLICANS

Despite the Grant administration's effective response to Klan terrorism, the North's commitment to Reconstruction waned during the 1870s. Many Radicals, including Thaddeus Stevens, who died in 1868, had passed from the scene. Within the Republican Party, their place was taken by politicians less committed to the ideal of equal rights for blacks. Northerners increasingly felt that the South should be able to solve its own problems without constant interference from Washington. The federal government had freed the slaves, made them citizens, and given them the right to vote. Now, blacks should rely on their own resources, not demand further assistance.

In 1872, an influential group of Republicans, alienated by corruption within the Grant administration and believing that the growth of federal power during and after the war needed to be curtailed, formed their own party. They included Republican founders like Lyman Trumbull and prominent editors and journalists such as E. L. Godkin of *The Nation*. Calling themselves Liberal Republicans, they nominated Horace Greeley, editor of the *New York Tribune*, for president.

The Liberals' alienation from the Grant administration initially had little to do with Reconstruction. They claimed that corrupt politicians had come to power in the North by manipulating the votes of immigrants and workingmen, while men of talent and education like themselves had been pushed aside. Democratic criticisms of Reconstruction, however, found a receptive audience among the Liberals. As in the North, they became convinced, the "best men" of the South had been excluded from power while "ignorant" voters controlled politics, producing corruption and misgovernment. Power in the South should be returned to the region's "natural leaders." During the campaign of 1872, Greeley repeatedly called on Americans to "clasp hands across the bloody chasm" by putting the Civil War and Reconstruction behind them.

Greeley had spent most of his career, first as a Whig and then a Republican, denouncing the Democratic Party. But with the Republican split presenting an opportunity to repair their political fortunes, Democratic leaders endorsed Greeley as their candidate. Many rank-and-file Democrats, unable to bring themselves to vote for Greeley, stayed at home on election day. As a result, Greeley suffered a devastating defeat by Grant, whose margin of over 700,000 popular votes was the largest in a nineteenth-century presidential contest. But Greeley's campaign placed on the northern agenda the one issue on which the Liberal reformers and the Democrats could agree—a new policy toward the South.

### THE NORTH'S RETREAT

The Liberal attack on Reconstruction, which continued after 1872, contributed to a resurgence of racism in the North. Journalist James S. Pike, a leading

Greeley supporter, in 1874 published *The Prostrate State*, an influential account of a visit to South Carolina. The book depicted a state engulfed by political corruption, drained by governmental extravagance, and under the control of “a mass of black barbarism.” The South’s problems, he insisted, arose from “Negro government.” The solution was to restore leading whites to political power. Newspapers that had long supported Reconstruction now began to condemn black participation in southern government. They expressed their views visually as well. Engravings depicting the former slaves as heroic Civil War veterans, upstanding citizens, or victims of violence, were increasingly replaced by caricatures presenting them as little more than unbridled animals. Resurgent racism offered a convenient explanation for the alleged “failure” of Reconstruction.

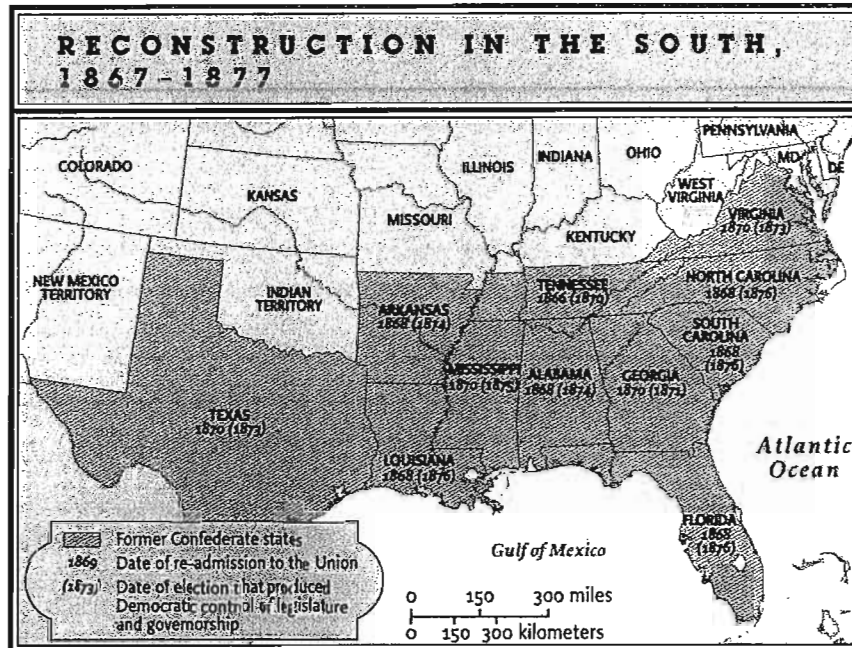
Other factors also weakened northern support for Reconstruction. In 1873, the country plunged into a severe economic depression. Distracted by economic problems, Republicans were in no mood to devote further attention to the South. The depression dealt the South a severe blow and further weakened the prospect that Republicans could revitalize the region’s economy. Democrats made substantial gains throughout the nation in the elections of 1874. For the first time since the Civil War, their party took control of the House of Representatives. Before the new Congress met, the old one enacted a final piece of Reconstruction legislation, the Civil Rights Act of 1875. This outlawed racial discrimination in places of public accommodation like hotels and theaters. But it was clear that the northern public was retreating from Reconstruction.

The Supreme Court whittled away at the guarantees of black rights Congress had adopted. In the *Slaughterhouse Cases* (1873), butchers excluded from a state-sponsored monopoly in Louisiana went to court, claiming that their right to equality before the law guaranteed by the Fourteenth Amendment had been violated. The justices rejected their claim, ruling that the amendment had not altered traditional federalism. Most of the rights of citizens, it declared, remained under state control. Three years later, in *U.S. v. Cruikshank*, the Court gutted the Enforcement Acts by throwing out the convictions of some of those responsible for the Colfax Massacre of 1873.

#### THE TRIUMPH OF THE REDEEMERS

By the mid-1870s, Reconstruction was clearly on the defensive. Democrats had already regained control of states with substantial white voting majorities such as Tennessee, North Carolina, and Texas. The victorious Democrats called themselves Redeemers, since they claimed to have “redeemed” the white South from corruption, misgovernment, and northern and black control.

In those states where Reconstruction governments survived, violence again erupted. This time, the Grant administration showed no desire to intervene. In contrast to the Klan’s activities—conducted at night by disguised men—the vio-



lence of 1875 and 1876 took place in broad daylight, as if to underscore Democrats' conviction that they had nothing to fear from Washington. In Mississippi, in 1875, white rifle clubs drilled in public and openly assaulted and murdered Republicans. When Governor Adelbert Ames, a Maine-born Union general, frantically appealed to the federal government for assistance, President Grant responded that the northern public was "tired out" by southern problems. On election day, armed Democrats destroyed ballot boxes and drove former slaves from the polls. The result was a Democratic landslide and the end of Reconstruction in Mississippi. "A revolution has taken place," wrote Ames, "and a race are disfranchised—they are to be returned to . . . an era of second slavery."

Similar events took place in South Carolina in 1876. Democrats nominated for governor former Confederate general Wade Hampton. Hampton promised to respect the rights of all citizens of the state but his supporters, inspired by Democratic tactics in Mississippi, launched a wave of intimidation. Democrats intended to carry the election, one planter told a black official, "if we have to wade in blood knee-deep."

## THE DISPUTED ELECTION AND BARGAIN OF 1877

Events in South Carolina directly affected the outcome of the presidential campaign of 1876. To succeed Grant, the Republicans nominated Governor

Rutherford B. Hayes of Ohio. Democrats chose as his opponent New York's governor, Samuel J. Tilden. By this time, only South Carolina, Florida, and Louisiana remained under Republican control. The election turned out to be so close that whoever captured these states—which both parties claimed to have carried—would become the next president.

Unable to resolve the impasse on its own, Congress in January 1877 appointed a fifteen-member Electoral Commission, composed of senators, representatives, and Supreme Court justices. Republicans enjoyed an 8–7 majority on the commission, and to no one's surprise, the members decided by that margin that Hayes had carried the disputed southern states, and had been elected president. Even as the commission deliberated, however, behind-the-scenes negotiations took place between leaders of the two parties. Hayes's representatives agreed to recognize Democratic control of the entire South and to avoid further intervention in local affairs. They also pledged that Hayes would place a southerner in the cabinet position of postmaster general and that he would work for federal aid to the Texas and Pacific railroad, a transcontinental line projected to follow a southern route. For their part, Democrats promised not to dispute Hayes's right to office and to respect the civil and political rights of blacks.

Thus was concluded the Bargain of 1877. Not all of its parts were fulfilled. But Hayes became president, and he did appoint David M. Key of Tennessee as postmaster general. Hayes quickly ordered federal troops to stop guarding the state houses in Louisiana and South Carolina, allowing Democratic claimants to become governor. (Contrary to legend, Hayes did not remove the last soldiers from the South—he simply ordered them to return to their barracks.) But the Texas and Pacific never did get its land grant. Of far more significance, the triumphant southern Democrats failed to live up to their pledge to recognize blacks as equal citizens.

As a historical process—the nation's adjustment to the destruction of slavery—Reconstruction continued well after 1877. Blacks continued to vote and, in some states, hold office into the 1890s. But as a distinct era of national history—when Republicans controlled much of the South, blacks exercised significant political power, and the federal government accepted the responsibility for protecting the fundamental rights of all American citizens—Reconstruction had come to an end. Despite its limitations, Reconstruction was a remarkable chapter in the story of American freedom. Nearly a century would pass before the nation again tried to bring equal rights to the descendants of slaves. The civil rights era of the 1950s and 1960s would sometimes be called the Second Reconstruction.

Even while it lasted, however, Reconstruction revealed some of the tensions inherent in nineteenth-century discussions of freedom. The policy of granting

black men the vote while denying them the benefits of land ownership strengthened the idea that the free citizen could be a poor, dependent laborer. Reconstruction placed on the national agenda a problem that would dominate political discussion for the next half-century—how, in a modern society, to define the economic essence of freedom.

### REVIEW QUESTIONS

1. What meanings of freedom were most important to the freed slaves?
2. What were the arguments for and against land distribution for the freed slaves?
3. What were the main characteristics of radical Reconstruction?
4. Why did the women's movement split into two separate national organizations?
5. Why was Reconstruction brought to an end in 1877?

**Voices of Freedom:** Explain how the signatories of the "Petition of Committee in Behalf of the Freedmen to Andrew Johnson" argue that land monopoly was "injurious to the advancement of the course of freedom."

## Discussion Questions for the Downfall of Reconstruction

1. What were three ways that Blacks exercised their "freedom" during Reconstruction in the South? Explain and be specific.
2. Why did carpetbaggers and scalawags cause Democrats to further resent Reconstruction?
3. What successes and failures did Republican governments in the South face?
4. On page 503 what did Eric Foner site as "the most basic reason for opposition to Reconstruction?"
5. When and what was the "reign of terror?"
6. Explain the purpose of the Enforcement Acts and when they were established.
7. Why was 1872 a special year?
8. Why did the Liberal Republicans break away from the Republican Party?
9. How did James S. Pike's book, *The Prostrate State*, help lead to a resurgence of racism?
10. By the mid-1870s why did Southern Democrats refer to themselves as the "redeemers?"
11. Why was the election of 1876 controversial?
12. What was the Compromise of 1877?
13. How did this Compromise lead to the end of Reconstruction?
14. To what extent was the era of Reconstruction a debate over federalism?

Group Names: \_\_\_\_\_



Reflect:

1. What is the cartoonist suggesting emancipation will symbolize for African Americans?

2. Reflecting on your readings, is this an accurate representation?

3. What did the federal government do to ensure the rights of African Americans during Reconstruction?

**Focus: What were the SOCIAL (S), POLITICAL (P), and ECONOMIC (E) effects of Reconstruction in the South?**

<b>S</b>	
<b>P</b>	
<b>E</b>	

40.



Group Names: \_\_\_\_\_

### Evaluation of Reconstruction:

**Task:** In groups, evaluate the effects of Reconstruction. Your group must provide at least two pieces of SPECIFIC evidence to support your answer.

Which effect played the most significant role in leading to the downfall of Reconstruction? Explain and defend your response.

If you were a member of Congress in 1877 what would have been your stance on the role of the federal government's responsibility toward reconstructing the Southern states? Explain.



### Lynch Law in America (1900)

Ida B. Wells

One weapon that whites used against African Americans was "lynch law." This phrase refers to instances in which mobs, not juries, would decide whether people who had been accused of crimes were guilty. The mobs also appropriated the right to sentence people and execute them, usually by hanging. More than 3,000 people were lynched between 1882 and 1900. Most were African Americans living in the South.

Ida B. Wells had been born enslaved in Mississippi in 1862. Trained as a teacher, she turned to journalism in 1891 and became part owner of a newspaper in Memphis, Tennessee. After a friend of hers was lynched, Wells wrote an editorial denouncing the lynching. As a result, a white mob wrecked her printing press and threatened to kill her. She fled to Chicago and continued her campaign to end "lynch law." Wells traveled widely to investigate lynchings and wrote and spoke about her findings. The following is an excerpt from an article she wrote in 1900, "The White Man's Problem," in the magazine *The Arena*.

Our country's national crime is *lynching*. It is not the creature of an hour, the sudden outburst of uncontrolled fury, or the unspeakable brutality of an insane mob. It represents the cool, calculating deliberation of the intelligent people who openly avow that there is an "unwritten law" that justifies them in putting human beings to death without complaint under oath, without trial by jury, without opportunity to make defense, and without right of appeal. . . .

The alleged menace of universal suffrage [right to vote for all] having been avoided by the absolute suppression of the negro vote, the spirit of mob murder should have been satisfied and the butchery of negroes should have ceased. But men, women, and children were the victims of murder by individuals and murder by mobs, just

as they had been when killed at the demands of the "unwritten law" to prevent "negro domination." Negroes were killed for disputing over terms of contracts with their employers. If a few barns were burned some colored man was killed to stop it. If a colored man resented the imposition of a white man and the two came to blows, the colored man had to die, either at the hands of the white man then and there or later at the hands of a mob that speedily gathered. If he showed a spirit of courageous manhood he was hanged for his pains. . . . Colored women have been murdered because they refused to tell the mobs where relatives could be found for "lynching bees." Boys of fourteen years have been lynched by white representatives of American civilization. In fact, for all kinds of offenses—and for no offenses—from murders to misdemeanors [less serious crimes], men and women are put to death without judge or jury; so that, although the political excuse was no longer necessary, the wholesale murder of human beings went on just the same. A new name was given to the killings and a new excuse was invented for so doing.


Not only are two hundred men and women put to death annually, on the average, in this country by mobs, but these lives are taken with the greatest publicity. In many instances the leading citizens aid and abet by their presence when they do not participate, and the leading journals inflame the public mind to the lynching point with scare-head [sensational] articles and offers of rewards.

#### Review Questions

1. What activities could get an African American in the South lynched in the late-19th century?
2. Why did Ida B. Wells say that lynching was an excuse for murder?
3. How was "lynch law" a violation of the constitutional rights of a person accused of a crime?
4. In what way was "lynch law" a tactic for controlling African Americans while at the same time denying them their rights?
5. How did the failure of Reconstruction lead to the rise of "lynch law" in the South?

# THE GILDER LEHRMAN INSTITUTE of AMERICAN HISTORY

## Introduction

 Print this page

### Guided Readings: Reconstruction 1870s


#### The Significance of Reconstruction

If a mid-nineteenth century Rip Van Winkle had gone to sleep in 1857, the year of the Dred Scott decision, and awoke in 1877, it would probably take him quite a while before he would believe reports of what had happened during the years he was asleep. He would learn about a four year civil war that had freed four million slaves and destroyed half the South's farm implements and livestock; presidential assassination; ratification of constitutional amendments abolishing slavery, guaranteeing equal rights, and extending the vote to African Americans; presidential impeachment; and a disputed presidential election. But when he looked around him, much would appear unchanged. Southern representatives had returned to Congress, and they were similar to those who had served before the war. In each of the southern states, the Democratic party was securely in control. The overwhelming majority of African Americans would still be living in the South, working as farm laborers on land that they did not own.

Of course, our latter-day Rip Van Winkle would eventually recognize that despite continuities, fundamental changes had taken place. Chattel slavery had been defeated. The gang system of labor, enforced by the whip, was dead. Incredibly, about twenty percent of African Americans in the South managed to acquire land by 1880. And through the 1880s, sizeable numbers of African American men in the South would continue to vote. Real gains had been won, even though full equality remained an unfulfilled promise.

Like an earthquake, Reconstruction shook southern society's foundations than subsided. But it left the national landscape forever changed. Out of Reconstruction came the first statewide public school systems in the South as well as hospitals, penitentiaries, and asylums. The first black institutions of higher learning were founded. Equally important, it was during Reconstruction that the institutional foundations of the modern black community in the South were laid, including independent black churches and a growing number of black landowners, businessmen, clergymen, and teachers. With the passage of the 14th Amendment, mandating equal rights for all citizens, and the 15th Amendment, forbidding states to deny the right to vote because of race, the possibilities for later attacks on discrimination had been established.

Reconstruction's failure also carried long-term negative consequences. Racism became more deeply embedded in American society. The South's economy became almost entirely dependent on a single crop, cotton, and an increasing number of Southerners were reduced to tenant farming. One political party, the Democratic party, monopolized political power. Violence kept immigrants from migrating to the region. The roots of half a century of southern poverty had been planted.

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★ How did Reconstruction  
change America? How did America remain  
the same?

## TIMELINE

### “THE UNFINISHED REVOLUTION”

*This timeline highlights events, trends, and themes—and the links between them—discussed in the epilogue.*

- |           |   |
|-----------|---|
| 1865      | The Thirteenth Amendment to the Constitution abolishes slavery.   |
| 1865–1875 | Freedpeople build churches, schools, and colleges that become the central unifying institutions of free African-American communities in the South.  |
| 1866      | The Civil Rights Act grants freedpeople citizenship, provides them “full and equal benefits of all laws,” and empowers federal courts to defend these rights from interference by the states.   |
| 1868      | The Fourteenth Amendment affirms citizenship and “equal protection under the law” for ex-slaves and prohibits states from depriving “any person of life, liberty, or property, without due process of law.”   |
| 1870      | The Fifteenth Amendment affirms citizens’ right to vote regardless of “race, color, or previous condition of servitude.”  |
| 1870–71   | Congress passes three acts making force or fraud a federal crime when used to prevent citizens from voting. The third, the Ku Klux Klan Act, outlaws organizations that employ disguise and violence to deny others their civil rights.   |
| 1875–90   | More than 10,000 freedpeople leave the South and migrate to Kansas and other midwestern states.   |
| 1890–1910 | Southern states establish most of their “Jim Crow” laws segregating schools, transportation, and other public facilities.   |
| 1896      | In the case <i>Plessy v. Ferguson</i> , the Supreme Court makes segregation the law of the land by declaring that “separate but equal” facilities do not violate the equal protection clause of the Fourteenth Amendment.   |
| 1909      | African American and white reformers organize the National Association for the Advancement of Colored People (NAACP). W.E.B. DuBois becomes the editor of the NAACP’s newspaper, <i>The Crisis</i> , which emerges as a leading and militant voice for civil rights.  |
| 1914–70   | Several million African Americans leave the rural South and resettle in the urban North in the largest internal population migration in U.S. history.   |
| 1917–35   | African-American writers, artists, and intellectuals centered in New York, rejecting white values and stereotypes, produce a creative stream of poetry, novels, dance, painting, sculpture, and photography during the period that comes to be called the Harlem Renaissance.   |
| 1954      | The Supreme Court in the <i>Brown v. Board of Education</i> case, outlaws school segregation. The issue had been brought before the court by the National Association for the Advancement of Colored People (NAACP), which argues that the Fourteenth Amendment and the Reconstruction era civil rights laws make segregation unconstitutional. |

Taken From: Freedom's Unfinished Revolution  
1996

1957	African-American clergy, led by Dr. Martin Luther King Jr., form the Southern Christian Leadership Conference (SCLC). Most of the clergy are drawn from churches that originated during Reconstruction. In the 1950s and 1960s, the clergy and churches play key roles in civil rights struggles across the South and confront organized and violent opposition from southern segregationists.
1960	Students from historic African-American colleges, whose origins go back to Reconstruction, form the Student Nonviolent Coordinating Committee (SNCC). Using nonviolent methods, SNCC activists face police and vigilante violence as they organize sit-ins to integrate segregated lunch counters and develop voter-registration drives in southern states where African Americans have been denied the ballot.
1964	The Civil Rights Act of 1964 is passed to enforce the Fourteenth Amendment ratified nearly a century earlier.
1965	The Voting Rights Act of 1965 is passed to enforce the Fifteenth Amendment ratified nearly a century earlier.

Where in the larger context of American history do we locate Reconstruction? This is not a question about timelines, but rather one about the connections between Reconstruction and:

- the events that preceded it, most notably slavery and the Civil War.
- the events that followed it, most significantly the African-American liberation and civil rights movements of the twentieth century.

The Civil War and Reconstruction marked, in the words of historian Eric Foner, “an unfinished revolution” in American democracy and race relations. This unfinished revolution began the work of reversing the ugly legacy of slavery, continued into the civil rights era, 1955–75, and no doubt will endure into the next century.

Historians have referred to Reconstruction as “the first civil rights movement” and to the civil rights movement as the “second Reconstruction.” There are complicated links between the two periods which reflect

both the positive and negative heritages of Reconstruction. After 1877, Reconstruction gave way to a century of racial segregation, lynching, and undemocratic rule by one party (ironically calling itself the Democratic party) that threatened the rights and lives of black men and women in the South. The civil rights struggles of the 1950s, 1960s, and early 1970s were a democratic, grass-roots response to the conditions of institutionalized violence and segregation that followed the defeat of Reconstruction.

Reconstruction did not and could not stop the racist tide of the Ku Klux Klan, the Democratic party, and their white supremacist allies. But as “the first civil rights movement,” Reconstruction established the legal building blocks for the movements of the 1950s and 1960s: the Thirteenth, Fourteenth, and Fifteenth Amendments, and the Civil Rights Acts of 1866 and 1870–71 (the Ku Klux Klan and Enforcement Acts). In turn, when ex-slaves built the schools, colleges,

and independent churches so central to the development of a free African-American community after the Civil War, they laid a social foundation that would support a "second Reconstruction" one hundred years later.

The modern civil rights movement—with nearly all of its leadership drawn from black churches and colleges that trace their history back to Reconstruction—would use civil rights legislation and amendments drafted after the Civil War in the nineteenth century to win important victories that desegregated schools and extended voting rights in the twentieth century.

The political, social, and economic links between Reconstruction, the civil rights movement, and the present tell us volumes about the history of race, democracy, labor, and migration in the United States over the last

hundred years. Some of that history is grim, some of it inspiring, and all of it important to the future of America.

*How did Reconstruction establish the legal and social foundation for the civil rights movement of the 1950s and 1960s?*



"THE NORTH CAROLINA RACE WAR." Numerous attacks on African-American communities occurred during the late nineteenth century. As this illustration of the 1898 "race riot" in Wilmington, North Carolina, shows, many national periodicals expressed little sympathy toward the black victims of violence. In a fashion reminiscent of arguments at the close of Reconstruction, commentators claimed that the "misrule" of corrupt black Wilmington officials had brought violence upon themselves. The illustration of gun-toting terrorists appearing on the cover of *Collier's Weekly* only bolstered popular misconceptions about black aggression.

H. Ditzler, *Collier's Weekly*, November 26, 1898.  
Prints and Photographs Division, Library of Congress.

## Race

By 1877, slavery was dead, but racism was alive and thriving.

Until the Civil War, the history of racism and slavery ran parallel to one another. While slavery existed long before the first Africans in chains came to the Western Hemisphere, it took a very different form in the Americas. Europeans had enslaved other Europeans, and Africans had enslaved other Africans. But with the beginning of the transatlantic slave trade in the fifteenth century, for the first time members of one race (whites) enslaved huge numbers of another race (Africans). Unlike most earlier systems of bondage, the status of slave passed from black parent to black child. Slavery and race became inseparable.

Throughout the 250-

year history of slavery in North America, a system of laws, attitudes, ideas, and behavior promoted white superiority and black inferiority. There was no basis in nature or science for the superiority of one race or the inferiority of another. To the contrary, these racial attitudes and laws were the product of the unequal human condition.

power relationships between slaveholders and slaves. While it was the slaveholders who developed this whole racist structure, it had a profound influence on the ideas and actions of many nonslaveholding whites as well.

When the Thirteenth Amendment abolished slavery, racist attitudes and behavior, reinforced by more than two centuries of history, did not disappear. Nevertheless, for a fleeting but terribly important moment in American history, Reconstruction held out the possibility for the creation of new democratic structures by a coalition of ex-slaves, poor whites, and northern Republicans. The defeat of that Reconstruction coalition had alarming repercussions for American equality, freedom, and race relations.

New forms of racism—different from, yet historically linked to, the old system of slavery—developed in the South after Reconstruction. Between 1890 and 1900, the broad outlines of post-Reconstruction racism took shape. Denied land,

*Were slavery and racism always linked? What was different about the slavery established by Europeans as part of the transatlantic trade in the fifteenth century?*



**ANTILYNCHING CRUSADER.** Memphis, Tennessee, newspaper editor Ida B. Wells was in the forefront of the campaign to stop violence against African Americans. In 1892, she revealed the role of local white businessmen in the lynching of three black competitors. She is shown here with Betsy Moss and her two children, the widow and orphans of one of the murdered black businessmen, Memphis grocer Tom Moss. A white mob destroyed Wells's office and she was forced to flee north, where her public lectures and writing brought lynchings to national attention.

W. F. Griffin. Special Collections, University of Chicago Library.

African Americans became economically dependent, politically disenfranchised, socially segregated, and routinely targeted for acts of chilling and often officially approved violence. From 1890 to 1900, an average of 175 African Americans were lynched each year, many burned or dismembered beyond identification. Public officials in the South did not condemn lynching and did not punish those responsible. By their silence and inaction, but more often by highly visible and vocal encouragement, southern politicians and government leaders endorsed racial violence.

*What new forms of racism were developed in the South after Reconstruction?*

**DISENFRANCHISE**—to take away the right to vote

## Labor, Land, and Economic Dependence

Legally free, black agricultural workers (and many poor whites) nonetheless became a dependent work force of sharecroppers and tenants laboring under a mountain of debt owed to landlords and local merchants.

Initially, as pointed out in chapter 11, sharecropping was not a defeat for ex-slaves but a compromise. During Reconstruction,



ex-slaves wanted land, independence, and freedom from cotton or anything else that suggested the old system of slavery. On the other hand, ex-masters had every incentive to keep freedmen landless, dependent, and working in the cotton fields. For the old planting classes, the key to the profitable cultivation of cotton (or rice or tobacco or sugar) for world markets was cheap labor. During Reconstruction, African Americans

successfully resisted planter schemes to make them work the old plantations as gang labor under white supervision. Nevertheless, most freedpeople remained landless.

The compromise was sharecropping. Ex-slaves did not own the land, but they were granted the right to work farms as individual families. They received a share of the crop, as did the landlord. Yet even if ex-planters could not restart a system of gang labor similar to slavery, they did get something they wanted: cotton to sell on world markets.

Later, as cotton prices plummeted and Democrats replaced Republicans in power throughout the South, the sharecroppers lost many of their rights

and became caught in an ever-deepening cycle of debt and dependency. With low cotton prices,

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*Why did sharecropping work to the disadvantage of freedpeople after Reconstruction?*

---

croppers received less and less money for their shares. Their landlords offered them credit, but only on the condition that they grow more cotton. More cotton meant overstocked markets, lower prices, and even more debt.



"AN INJURY TO ONE IS AN INJURY TO ALL."

Most late-nineteenth-century trade unions barred African Americans from membership, but the strongest labor organization of the era espoused racial equality. While its southern locals were segregated by race, the national Knights of Labor included many black members and occasionally challenged racial injustice. During the Knights' 1886 convention in Richmond, Virginia, the refusal of the integrated New York delegation to accept segregated accommodations and the prominent role played by African Americans in the proceedings made national headlines. Here, New York delegate Frank J. Ferrell is shown introducing Knights leader Terence V. Powderly to the convention.

Joseph Becker, *Frank Leslie's Illustrated Newspaper*, October 16, 1886.  
American Social History Project.

## Democracy

Democratic rights spelled out by the Fourteenth and Fifteenth Amendments and the civil rights legislation of the 1860s and 1870s came under intense attack after Reconstruction.

In the 1890s, when indebted white and black sharecroppers and tenants began joining a new radical farmer's party, the Populist party, to redress their common economic grievances, the ruling Democratic

party successfully divided them along racial lines by establishing Jim Crow laws.

“Jim Crow” was a character from white theater companies, called minstrel shows, that ridiculed African-American behavior. The new laws that denied African Americans their civil rights, taking away the vote and establishing a formal system of segregation in public places (schools, trains, bathrooms, etc), bore the name of this racist caricature.

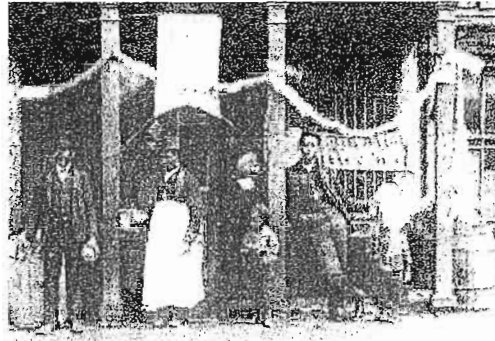
The segregation of southern public facilities that resulted from these new laws was much more developed in urban than rural areas. Segregation in the cities served to divide a small but rapidly growing southern industrial labor force by granting white workers small privileges denied their black counterparts.

The use of Jim Crow laws to disenfranchise African Americans was a tricky business because the Fifteenth Amendment of the U.S. Constitution guarantees that the “right of citizens to vote shall not be denied... on account of race, color, or previous condi-

tion of servitude.” Southern states made a mockery of the Constitu-

*Who was Jim Crow? What were Jim Crow laws?*

tion by requiring poll taxes and literacy tests as conditions for voting, and then claiming that these requirements were color-blind. In fact, color counted heavily as southern states used these techniques to disqualify the vast majority of African-American voters. Poll taxes and literacy tests were used much more selectively and infrequently to disenfranchise poor whites. For seventy-five years, the federal government refused to intervene to protect the constitutional rights of African-American and other disenfranchised voters.



EMANCIPATION DAY 1888. African Americans continued to celebrate their freedom through the late nineteenth century. Crepe-paper bunting, American flags, and Lincoln's portrait grace the exterior of a general store as the black citizens of Richmond, Virginia, commemorate the twenty-fifth anniversary of the signing of the Emancipation Proclamation.

#1388, Cook Collection. Valentine Museum, Richmond, Virginia.



JUSTICE OF THE PEACE. After the collapse of Reconstruction, some African Americans continued to hold local elective positions in the South, particularly sheriffs and judges. This 1889 engraving shows a black justice of the peace presiding over a Jacksonville, Florida, police court.

Matthew Somerville Morgan, *Frank Leslie's Illustrated Newspaper*, February 23, 1889. General Research Division, The New York Public Library, Astor, Lenox, and Tilden Foundations.

CARICATURE — a distorted representation

POLL TAXES — taxes to vote



EXODUSTERS. Beginning in the mid-1870s, thousands of African Americans chose to leave the South in the hope of finding equality on the western frontier. This engraving shows the arrival of "exodusters" (their name derived from the Bible) in St. Louis, Missouri, en route to Kansas in 1879.

*Frank Leslie's Illustrated Newspaper*, April 19, 1879. General Research Division, The New York Public Library, Astor, Lenox, and Tilden Foundations.

From 1890 to 1965, U.S. presidents, senators, and congressmen bowed down before a powerful bloc of southern Democratic legislators in the U.S. Congress. These legislators were products of one party—the party of white supremacy rule in what came to be known as “the solid South.” Elected unopposed term after term, they created a political

*What was “the solid South”? Why were white southern Democrats able to wield so much power in the U.S. Congress?*

bloc that wielded tremendous power. While they never had anything approaching a majority in either house of Congress, they nonetheless chaired key committees and controlled enough votes to promote their agenda of segregation, political disenfranchisement, and white supremacy.

BLOC—a group with a common interest or aim

## Migration — STOP

As Reconstruction came to an end, Henry Adams, a freedman and Union Army veteran from Louisiana, commented: “This is a horrible part of the country. It is impossible for us to live with these slaveholders of the South and enjoy the right as they enjoy it.” Adams, who tried to organize freedpeople to migrate to Africa, declared that he had recruited 60,000 African Americans who were ready to leave the post-Reconstruction South.

Scarcely any freedmen and women made it to Africa. But tens of thousands, comparing themselves to Moses and the Jews fleeing slavery in Egypt, did leave the South.

In Alabama, once the Democratic party seized control of the Reconstruction government in 1874, freedmen meeting in convention in Montgomery talked about “repeating the history of the Israelites” in the Bible and “seeking new homes... beyond the reign and rule of pharaoh.” Taking their cues

Name:  
Date:

US 32  
Tallevi/Berenson

*Remembering Jim Crow*  
American Radio Works – National Public Radio  
Part One: 14 minutes

*Directions: As you are listening to Remembering Jim Crow, please answer the questions below. This is an ORAL HISTORY PROJECT – meaning that these are individual, ordinary people who are sharing their experiences living in the Jim Crow South with interviewers from Duke University.*

1. How long did Jim Crow last?
2. What is the background of the term “Jim Crow”?
3. What instructions did Charles’ mother give him?
4. Why did whites allow blacks into town only on Saturdays?
5. “Jim Crow emerges in the 1890s.” WHY?

Name:

US 32

Date:

Tallevi/Berenson

6. A sign that read: "Negroes to the rear" really meant:

7. Professor Glenda Gilmore of Yale University defines Jim Crow as:

8. How was Jim Crow a political movement?

9. "A way had to be found to disenfranchise blacks without

risking \_\_\_\_\_."

—What consensus did whites reach?—

What did they do as a result?

10. What is the example of the literacy test they describe?

Name:  
Date:

US 32  
Tallevi/Berenson

11. According to Maurice Lupus what kinds of work opportunities did blacks have?

12. Why did Glen Conrad "best describes the situation of African Americans during the Jim Crow era as being comparable to serfs." Why?

13. What was the system of sharecropping like according to the descriptions given?

14. How did they describe lynchings in the South?



# Legislating Jim Crow

In the hundred years that took this country from Reconstruction to the civil rights movement, more than 400 Jim Crow state laws, state constitutional amendments, and city ordinances were passed. \* This legislation not only sanctioned racism, it erased the progress that was made right after the Civil War. Here we provide a small sampling of those 400-plus laws, grouped by topic. \*\*

## Education

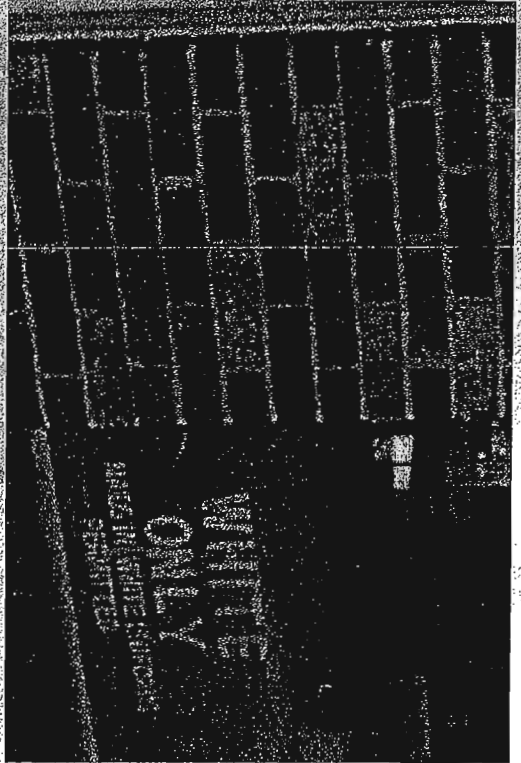
Florida: The schools for white children and the schools for negro children shall be conducted separately. Mississippi: Separate schools shall be maintained for the children of the white and colored races.

New Mexico: Separate rooms shall be provided for the teaching of pupils of African descent, and such pupils may not be admitted to the school rooms occupied and used by pupils of Caucasian or other descent.

North Carolina: School textbooks shall not be interchangeable between the white and colored schools; but shall continue to be used by the race first using them.

## Entertainment

Alabama: It shall be unlawful to conduct a restaurant or other place for the serving of food in the city at which white and colored people are served in the same room, unless such white and colored persons are effectually separated by a partition.



*Above: This Louisiana restaurant allowed African Americans to enter only if they were properly dressed and maid.*

It shall be unlawful for a negro and white person to play together or in company with each other at any game of pool or billiards.

Georgia: It shall be unlawful for any amateur white baseball team to play on any vacant lot or baseball diamond within two blocks of a playground devoted to the Negro race; and it shall be unlawful for any amateur colored baseball team to play baseball within

two blocks of any playground devoted to the white race.

All persons licensed to conduct the business of selling beer or wine ... shall serve either white people exclusively or colored people exclusively and shall not sell to the two races within the same room at any time.

Louisiana: All circuses, shows, and tent exhibitions, to which the attendance of more than one race is invited shall provide not less than two ticket offices and not less than two entrances.

Virginia: Any public hall, theatre, opera house, motion picture show or place of public entertainment which is

attended by both white and colored persons shall separate the white race and the colored race.

## Freedom of Speech

Mississippi: Any person guilty of printing, publishing or circulating any article, or any argument, or any statement, or any opinion, or any suggestion, or any recommendation, or any advice, or any other matter, which is calculated to excite or incite to any riot, or to any disturbance of the public peace, or to any violation of the laws of the State, shall be guilty of a misdemeanor.

## Health Care

Alabama: No person or corporation shall require any white female nurse to nurse in wards or rooms in hospitals, either public or private, in which negro men are placed.

Louisiana: The board of trustees shall maintain a separate building, on separate grounds, for the admission, care, instruction, and support of all blind persons of the colored or black race.

## Housing

Louisiana: Any person, who shall contain any part of any such building to a negro person or a negro family, when such building is already in whole or in part in occupancy by a white person or a white family, shall be guilty of a misdemeanor.

Mississippi: The prison warden shall see that the white convicts shall have separate apartments for both eating and sleeping from the negro convicts.

## Libraries

Texas: Negroes are to be served through a separate branch of branches of the county free library, which shall

be administered by a clerk of the negro race under the supervision of the county librarian.

North Carolina: The state librarian is directed to fix up and maintain a separate place for the use of the colored people who may come to the library for the purpose of reading books or periodicals.

## Marriage

Arizona: The marriage of a person of Caucasian blood with a Negro shall be null and void.

Florida: All marriages between a white person and a negro, or between a white person and a person of negro descent to the fourth generation inclusive, are hereby forever prohibited.

Any negro man and white woman, or any white man and negro woman, who are not married to each other, who habitually live in and occupy in the nighttime the same room, shall not exceeding 12 months, or by fine not exceeding \$500.

Maryland: All marriages between a white person and a negro, or between a white person and a person of negro descent, to the third generation, inclusive, are forever prohibited, and shall be void.

Wyoming: All marriages of white persons with Negroes, Mulattos, Mongolians, or Malays hereafter contracted in the State of Wyoming are, and shall be, illegal and void.

## Services

Georgia: No colored barber shall serve as a barber to white women or girls.

The officer in charge shall not bury or allow to be buried any colored persons upon ground set apart or used for the burial of white persons.

## Transportation

Alabama: All passenger stations in this state operated by any motor transportation company shall have separate waiting rooms or space and separate ticket windows for the white and colored races.

The conductor of each passenger train is authorized and required to assign each passenger to the car or the division of the car, when it is divided by a partition, designated to the race to which such passenger belongs.

Maryland: All railroad companies are hereby required to provide separate cars or coaches for the travel and transportation of the white and colored passengers.

## Work

Alabama: Every employer of white or negro males shall provide for such white or negro males reasonably accessible and separate toilet facilities.

Oklahoma: The baths and lockers for the negroes shall be separate from the white race, but may be in the same building. (Mining companies)

Source: Jim Crow Legislation Overview, Susan Balch, online at [www.jimcrowhistory.org/resources/sonplans/hsc/es/jim\\_crow\\_laws.htm](http://www.jimcrowhistory.org/resources/sonplans/hsc/es/jim_crow_laws.htm) (Source: Remembering Jim Crow, a web site based on the documentary (of the same name) by Stephen Smith, Kate Ellis, and Sasha Aslanian, online at [www.rememberingjims.com/radio/figures/remembering/laws.html](http://www.rememberingjims.com/radio/figures/remembering/laws.html))



# Slaughterhouse Cases (1869)

On the face of it, the *Slaughterhouse Cases* had nothing to do with the rights of African Americans. The Louisiana legislature in 1869 had granted one corporation a twenty-five-year exclusive franchise to conduct all the butchering business in three of the state's parishes. Health considerations were cited as the reason for granting the monopoly, though reports were rampant that carpetbagger lawmakers had been bribed. Whatever the machinations behind it, the official monopoly prompted a lawsuit by rival slaughterhouses that claimed a thousand butchers had been deprived of their natural right to earn a living—and thus of their privileges and immunities as guaranteed by the first section of the thus far untested Fourteenth Amendment.

Scheme  
Secret-  
Plot

The key to Miller's opinion was in the first two sentences of the amendment itself:

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 . . .

Miller chose to break the two sentences apart and not read them in the sequence in which they were put down. The first sentence, he said, was written to establish beyond question the citizenship of African Americans. But he did not interpret the second sentence to mean that no state could interfere with the basic rights of all American citizens. Instead, he read it restrictively. The second sentence, Miller said, was more important in the case at hand, for in it "the distinction between citizenship of the United States and the citizenship of a State is clearly recognized and established. . . . It is quite clear, then, that there is a citizenship of the United States, and a citizenship of a State, which are distinct from each other. . . ."

So far as the five-to-four majority of the Supreme Court was concerned, however, it was "not the purpose of the Fourteenth Amendment . . . to transfer the security and protection of . . . civil rights . . . from the states to the federal government."

So the Court held. And so the licensing of slaughterhouses in Louisiana was declared to have nothing to do with men's rights under the Fourteenth Amendment. Whether the license had been rightly or wrongly granted was up to the courts of Louisiana to determine.

So the federal-state pendulum was given a sharp shove from Washington back toward the components of the Union. The federal government had not been handed a passkey to barge in on the states' authority to manage "those fundamental civil rights for the security and establishment of which organized society is instituted."

## United States v. Reese (1875)

It was just six years after the Fifteenth Amendment had been adopted when Chief Justice Morrison Waite wrote a jolting opinion of the Court that made the federal guarantee of the right to vote all but worthless. The case of *United States v. Reese* had been brought in behalf of a black man otherwise qualified who went to register to vote in Lexington, Kentucky, but when he offered payment of the compulsory head tax—that is, a form of poll tax—it was refused. When he showed up to vote on election day and was again refused, he turned to federal authorities, who had the local white election officials duly indicted. It seemed an obvious example of denial of the right to vote, in a manner prohibited by the Fifteenth Amendment. Here was exactly the kind of situation the framers of the amendment had envisioned: arbitrary refusal of the black man's constitutional rights as a full-fledged citizen. The Supreme Court, however, disagreed. According to Chief Justice Waite, the Fifteenth Amendment did not confer on African Americans—or anyone—the right of suffrage. Only a state could grant that right to its citizens. What the amendment did say was that no state may *deny* any would-be voter the right to vote because of his race or color. It was not a positive grant allowing Congress to regulate or control all interference with a citizen's right to vote; Congress was limited to passing enforcement laws protecting a citizen "from discrimination in the exercise of the election franchise." In other words, any black who had been turned away at the polls had to prove that he had been prevented from voting specifically because of his race. That there could have been no other conceivable reason was not a factor the Court felt it proper to consider.

Kluger, Richard. Simple Justice. New York:  
Random House, Inc. 2004.

(p. 59)

## United States v. Cruikshank (1875)

In a companion case, Waite doubled the strength of the Court's blow. A riotous group of about 100 whites had broken up a political rally of blacks in Louisiana, and two of them were indicted under the federal acts enforcing the Fifteenth Amendment. The case, titled *United States v. Cruikshank*, involved rights thought to have been granted blacks under both the Fourteenth and Fifteenth amendments. Not so, said the Court. Invoking its ruling in *Reese*, it held that "the right of suffrage is not a necessary attribute of national citizenship" and that conviction of the Louisiana rioters could not be upheld because the indictment against them failed to charge that the rioters had harassed the blacks because of their race. So much for the Fifteenth Amendment. As to the Fourteenth Amendment, Chief Justice Waite agreed that it did indeed prohibit any state from depriving a citizen of life, liberty, privileges, and immunities, due process of law, and equal protection of the laws, "but this adds nothing to the rights of one citizen against another. It simply furnishes an additional guaranty against any encroachment by the states upon the fundamental rights which belong to every citizen as a member of society." In other words, a state was not allowed to deny any citizen within its jurisdiction equal protection of its laws, but a mob that broke up the meeting of black voters was not the state. It was a group of private individuals, and what they did was not "state action." And only state action—that is, action by the state itself in the form of a law or in the person of a public official—was covered by the Fourteenth Amendment. In short, it was not the federal government's business if a state failed to prevent a mob from interfering with an African American group's right to assemble peaceably.

Here were two cases almost custom-tailored for adjudication under the great new Civil War amendments and their supporting legislation. Two states had defaulted in their obligations to protect the rights of their citizens, and the highest court of the federal government was asked to correct the obvious error. Yet the Court declined and offered rulings that were, at best, examples of judicial hair-splitting. The *Reese* and *Cruikshank* decisions of 1875 were to prove just the tip of a distinctly jagged iceberg.

## *Jim Crow South*

### **Background:**

Although Congress had passed important laws to protect the political and civil rights of African Americans, the Supreme Court began to take away those same protections. During the 1870's, the Court issued a series of decisions that undermined both the Fourteenth and Fifteenth Amendments.

### **Reconstruction Era 1865-1877**

In groups, read and complete the below chart based off the readings and your understanding of Reconstruction.

Supreme Court Case	Brief Description of Case	What did this mean for African Americans?
Slaughterhouse Cases		

Supreme Court Case	Brief Description of Case	What did this mean for African Americans?
United States v. Cruikshank		
United States v. Reese		

**Evaluate:** To what extent should the federal government play a role in protecting the rights of African Americans?

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## *Plessy v. Ferguson (1896)*

### *Vocabulary*

**affirm** To agree or support, as when a higher court agrees with the earlier decision of a lower court.

**"Jim Crow" laws** State laws introduced in the South after reconstruction to give official support to segregation.

### *Reviewing the Case*

On June 7, 1892, Homer Plessy purchased a first-class ticket for a train of the East Louisiana Railway, traveling from New Orleans to Covington, Louisiana. Plessy was of mixed Caucasian and African descent, having had one black great-grandparent. Although Plessy looked white, he was considered black under state law. Plessy took a seat in a car reserved exclusively for white passengers but was told by the conductor that he would have to move to the car for African Americans. Plessy refused to move. The conductor then called local police, who removed Plessy from the train and put him in jail.

Plessy's arrest and imprisonment were based on an 1890 act of the Louisiana legislature. The law required separate railroad cars for "the white and colored races." It said that all railway companies carrying passengers in Louisiana must provide "equal but separate accommodations" for the different races, either by having at least two cars on the train or by dividing a single car with a partition.

No one was to be allowed to occupy a coach other than the one assigned to him or her by train officials. Any passenger who insisted on going into the wrong coach or compartment could be fined \$25 or put in jail for up to twenty days.

Plessy pleaded not guilty to the charges against him but was convicted. He appealed to the state supreme court on the grounds that the law was unconstitutional because it conflicted with both the Thirteenth and Fourteenth Amendments. The state supreme court, however, **affirmed** the decision of the trial court. Plessy then asked the U. S. Supreme Court to review the case. The issue be-

fore the Court: Does the Louisiana statute establishing separate railroad cars or sections for black and white passengers violate the Thirteenth and Fourteenth Amendments and exceed the lawful police powers of the state?

The Supreme Court ruled by a 7-1 vote to affirm the decisions of the lower courts against Plessy. Justice Henry Brown wrote the majority opinion. The only dissenting vote was Justice John Marshall Harlan, who often voted to uphold black civil rights in cases of this era. (Harlan was the grandfather of Justice John Marshall Harlan who served on the Court from 1955 to 1971.) One justice did not hear the case or participate in the decision.

In the majority opinion, the Court ruled that the Thirteenth Amendment (which was not the main point of Plessy's case) did not apply because the restriction on seating in no way established any condition of "involuntary servitude." More importantly, the Court ruled that the Louisiana law did not violate the Fourteenth Amendment because it did not restrict blacks any differently from whites. Each race merely had to use its assigned, separate accommodations on the railways. The justices also believed that states had the right and power to follow established social customs and traditions in restricting the mixing of the races in transportation, schools, and other situations.

Justice Brown, referring to the Fourteenth Amendment, wrote for the majority:

The object of the Amendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality, or a commingling [mixing] of the two races upon terms unsatisfactory to either. Laws permitting and even requiring their separation in places where they are liable to be brought into contact do not necessarily imply the inferi-

ority of either race to the other, and have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police power.

Justice John Marshall Harlan, however, saw the intent of the Fourteenth Amendment differently. He wrote in his eloquent dissenting opinion:

... in view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law.

... The law regards man as man, and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved.

The effects of the *Plessy* decision were far-reaching. It firmly established the doctrine of "separate but equal" as the law of the land. It legitimized the segregation begun under the southern "**Jim Crow**" laws and extended the legality of those laws nationwide. "Separate but equal" remained an accepted

principle for some 50 years, until the civil rights movement gained strength in the 1950's and 1960's. When it was finally overturned in 1954 (*Brown v. Board of Education*), the Court referred to this decision and to Justice Harlan's powerful dissent in which he said:

The arbitrary separation of citizens, on the basis of race, while they are on a public highway [the railroad], is a badge of servitude wholly inconsistent with the civil freedom and the equality before the law established by the Constitution. It cannot be justified upon any legal grounds.

If evils result from the commingling of the two races upon public highways established for the benefit of all, they will be infinitely less than those that will surely come from state legislation regulating the enjoyment of civil rights upon the basis of race. We boast of the freedom enjoyed by our people above all other peoples. But it is difficult to reconcile that boast with a state of the law which, practically, puts the brand of servitude and degradation upon a large class of our fellow citizens, our equals before the law. The thin disguise of "equal" accommodations for passengers in railroad coaches will not mislead anyone, or atone for the wrong this day done.

Name \_\_\_\_\_ Date \_\_\_\_\_

## *Plessy v. Ferguson (1896)*

### *Elements of the Case*

**Directions:** Fill in the appropriate information for each of the following elements of this case.

1. State the issue before the Supreme Court in this case.

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2. What facts of the case were presented to the Court?

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3. What was the decision of the Court? What was the rationale behind it?

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4. What was the effect of the decision?

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# The Rise and Fall of Jim Crow

close 

## 1965 ALABAMA LITERACY TEST

QUESTIONS > ANSWERS

Text courtesy Kids Voting USA.

1. Which of the following is a right guaranteed by the Bill of Rights?

- ☐ Public Education
- ☐ Employment
- ☐ Trial by Jury
- ☐ Voting

2. The federal census of population is taken every five years.

☐ True ☐ False

3. If a person is indicted for a crime, name two rights which he has.

4. A U.S. senator elected at the general election in November takes office the following year on what date?

5. A President elected at the general election in November takes office the following year on what date?

6. Which definition applies to the word "amendment?"

- ☐ Proposed change, as in a Constitution
- ☐ Make of peace between nationals at war
- ☐ A part of the government

7. A person appointed to the U.S. Supreme Court is appointed for a term of \_\_\_\_\_.

8. When the Constitution was approved by the original colonies, how many states had to ratify it in order for it to be in effect?

9. Does enumeration affect the income tax levied on citizens in various states? \_\_\_\_\_

10. A person opposed to swearing in an oath may say, instead: I (solemnly) \_\_\_\_\_

11. To serve as President of the United States, a person must have attained:

- ☐ 25 years of age
- ☐ 35 years of age
- ☐ 40 years of age
- ☐ 45 years of age

12. What words are required by law to be on all coins and paper currency of the U.S.?

13. The Supreme Court is the chief lawmaking body of the state.

☐ True ☐ False

14. If a law passed by a state is contrary to provisions of the U.S.

Constitution, which law prevails?

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15. If a vacancy occurs in the U.S. Senate, the state must hold an election, but meanwhile the place may be filled by a temporary appointment made by

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16. A U.S. senator is elected for a term of \_\_\_\_\_ years.

17. Appropriation of money for the armed services can be only for a period limited to \_\_\_\_\_ years.

18. The chief executive and the administrative offices make up the \_\_\_\_\_ branch of government.

19. Who passes laws dealing with piracy?

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20. The number of representatives which a state is entitled to have in the House of Representatives is based on

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21. The Constitution protects an individual against punishments which are \_\_\_\_\_ and \_\_\_\_\_.

22. When a jury has heard and rendered a verdict in a case, and the judgment on the verdict has become final, the defendant cannot again be brought to trial for the same cause.  
 \_\_\_\_\_ True \_\_\_\_\_ False

23. Name two levels of government which can levy taxes:

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24. Communism is the type of government in: \_\_\_\_\_ U.S.  
 \_\_\_\_\_ Russia  
 \_\_\_\_\_ England

25. Cases tried before a court of law are two types, civil and

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26. By a majority vote of the members of Congress, the Congress can change provisions of the Constitution of the U.S.  
 \_\_\_\_\_ True \_\_\_\_\_ False

27. For security, each state has a right to form a

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28. The electoral vote for President is counted in the presence of two bodies. Name them:

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29. If no candidate for President receives a majority of the electoral vote, who decides who will become President?

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30. Of the original 13 states, the one with the largest representation in the first Congress was

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31. Of which branch of government is the Speaker of the House a part?  
 \_\_\_\_\_ Executive  
 \_\_\_\_\_ Legislative  
 \_\_\_\_\_ Judicial

32. Capital punishment is the giving of a death sentence.

\_\_\_\_\_ True \_\_\_\_\_ False

33. In case the President is unable to perform the duties of his office, who assumes them?

\_\_\_\_\_

34. "Involuntary servitude" is permitted in the U.S. upon conviction of a crime.

\_\_\_\_\_ True \_\_\_\_\_ False

35. If a state is a party to a case, the Constitution provides that original jurisdiction shall be in \_\_\_\_\_.

36. Congress passes laws regulating cases which are included in those over which the U.S. Supreme Court has \_\_\_\_\_ jurisdiction.

37. Which of the following is a right guaranteed by the Bill of Rights of the U.S. Constitution.

- \_\_\_\_\_ Public Housing  
\_\_\_\_\_ Education  
\_\_\_\_\_ Voting  
\_\_\_\_\_ Trial by Jury

38. The Legislatures of the states decide how presidential electors may be chosen.

\_\_\_\_\_ True \_\_\_\_\_ False

39. If it were proposed to join Alabama and Mississippi to form one state, what groups would have to vote approval in order for this to be done?

\_\_\_\_\_

40. The Vice President presides over \_\_\_\_\_.

41. The Constitution limits the size of the District of Columbia to \_\_\_\_\_.

42. The only laws which can be passed to apply to an area in a federal arsenal are those passed by \_\_\_\_\_ provided consent for the purchase of the land is given by the \_\_\_\_\_.

43. In which document or writing is the "Bill of Rights" found?

\_\_\_\_\_

44. Of which branch of government is a Supreme Court justice a part?

- \_\_\_\_\_ Executive  
\_\_\_\_\_ Legislative  
\_\_\_\_\_ Judicial

45. If no person receives a majority of the electoral votes, the Vice President is chosen by the Senate. \_\_\_\_\_ True \_\_\_\_\_ False

46. Name two things which the states are forbidden to do by the U.S. Constitution.

\_\_\_\_\_  
\_\_\_\_\_

47. If election of the President becomes the duty of the U.S. House of Representatives and it fails to act, who becomes President and when?

\_\_\_\_\_

48. How many votes must a person receive in order to become President if the election is decided by the U.S. House of Representatives?

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49. How many states were required to approve the original Constitution in order for it to be in effect?

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50. Check the offenses which, if you are convicted of them, disqualify you for voting:

- ☐ Murder  
☐ Issuing worthless checks  
☐ Petty larceny  
☐ Manufacturing whiskey

51. The Congress decides in what manner states elect presidential electors.

☐ True ☐ False

52. Name two of the purposes of the U.S. Constitution.

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53. Congress is composed of

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54. All legislative powers granted in the U.S. Constitution may legally be used only by

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55. The population census is required to be made every \_\_\_\_ years.

56. Impeachments of U.S. officials are tried by

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57. If an effort to impeach the President of the U.S. is made, who presides at the trial?

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58. On the impeachment of the chief justice of the Supreme Court of the U.S., who tries the case?

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59. Money is coined by order of:

- ☐ U.S. Congress  
☐ The President's Cabinet  
☐ State Legislatures

~~60. Persons elected to cast a state's vote for U.S. President and Vice-President are called presidential~~

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61. Name one power which is exclusively legislative and is mentioned in one of the parts of the U.S. Constitution above

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62. If a person flees from justice into another state, who has authority to ask for his return?

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63. Whose duty is it to keep Congress informed of the state of the union?

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64. If the two houses of Congress cannot agree on adjournment, who sets the time?

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65. When presidential electors meet to cast ballots for President, must all electors in a state vote for the same person for President or can they vote for different persons if they so choose?

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66. After the presidential electors have voted, to whom do they send the count of their votes?

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67. The power to declare war is vested in

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68. Any power and rights not given to the U.S. or prohibited to the states by the U.S. Constitution are specified as belonging to whom?

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**see the answers** →