

# THE POLITICS AND PRACTICE OF RECONSTRUCTION

*This paper is a compilation of the notes used by Mr Bruce Dennett, History teacher, in his challenging presentation to the conference. The provision of the record of Mr Dennett's presentation in this form was necessary following the failure of our cassette tape system to provide an adequate recording from which a full transcript of the presentation could be derived. It is hoped that these notes will provide a permanent record of the challenges to our Civil War knowledge and understanding that Mr Dennett sought to achieve.*

## INTRODUCTION

Most people with an interest in the American Civil War know something, maybe a significant amount about the events taking place between 1861 and 1865 but possibly less about the subsequent Reconstruction era. Facts about the Reconstruction era may be categorised in the following terms:

**The People:** These would include Andrew Johnson, Charles Sumner, Thaddeus Stevens, the scalawags and carpetbaggers;

**The key events:** This involves the Black Codes, Presidential and Congressional Reconstruction and Impeachment;

**The legislation:** In particular, the 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> Amendments to the Constitution.

These facts are important and need to be known for a better understanding of the War and its aftermath, but when they become the primary focus of study, they can reduce this important history to a level of trivia or to merely matters of arcane interest.

## CIVIL WAR RECONSTRUCTION – THE LESSONS OF HISTORY

The real issues are the ones that this paper seeks to develop and are the lessons of history contained in the story of Civil War Reconstruction. Consider for a moment some of those potential lessons, the bounty, that awaits the thoughtful reader:

1. The nature and role of party politics, both in the United States and sectional democratic politics more generally.
2. The challenges inherent in so-called 'nation building' – the creation or re-creation, imposition or re-imposition of a set of values or a style of government by one society on another.
3. The daunting task of trying to change ingrained social and cultural values and beliefs held for generations.
4. Dealing with the cost of war.

5. Coping with terrorist acts of resistance.
6. Importantly, the challenge of finding and recognising a true and sure path between:
  - i. Magnanimity and perceived weakness;
  - ii. Justice and vindictiveness;
  - iii. Charity and folly;
  - iv. Wisdom and advantage.

The enduring relevance of all of these lessons to be found in any considered examination of Reconstruction is evident.

## WHAT WAS RECONSTRUCTION?

Reconstruction meant different things to different people. Lincoln in his second Inaugural Speech was particularly clear in his view of it when he said:

*“... With malice toward none, with charity to all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, **to bind up the nation’s wounds**, (emphasis added) to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations”*

## RECONSTRUCTION OR RESURRECTION

It has been said that:

*“... despite good intentions by Republicans, the Old South was in many ways more resurrected than reconstructed”*

In order to follow this line of argument it is important to trace the story that Resurrection or Reconstruction and to consider it in the light of the evolution of scholarship in the field.

## ORDEAL OF RECONSTRUCTION

The four key questions that emerged with the end of the Civil War were:

1. How would the South be rebuilt?
2. How would the emancipated slaves cope as free men and women?
3. How would the former Confederate States be re-integrated into the Union?
4. Who would direct Reconstruction? Would it be Congress, the Southern States themselves or the President?

As is the case with the end of almost any war, there were issues raised about how to deal with former Confederate leaders. For example, although initially imprisoned Jefferson Davis and other Southern leaders were pardoned by President Andrew Johnson in 1868.

The South was in ruins and agriculture, the key to the Southern economy was devastated. Indeed, the impact of this may be seen from the fact that the cotton yield did not return to its 1860 level until 1870 and most of the post-War crop was being produced by new acreage in the South-West.

## **THE FREEDMEN**

There was considerable uncertainty about what was involved in granting freedom to the slaves. Despite Lincoln's *Emancipation Proclamation*, the end of slavery was an uneven process. Tens of thousands of blacks to the roads to:

- test their new freedom;
- search for family members who had been separated from them;
- seek opportunities for work in the towns (here they were supported by existing black communities)

Some of these refugees moved as whole communities. For example, the "Exodusters", some 25,000 blacks from Texas, Louisiana and Mississippi, began to Kansas. This move dried up, however, as steamboat captains refused to transport any more blacks across the Mississippi River.

## **THE ROLE OF THE CHURCHES**

The church became the focus and bedrock of black community life in the years following emancipation. Black communities established their own churches led by their own black ministers and these churches flourished. For example:

- The black Baptist Church that had a membership of 150,000 in 1850 grew to 500,000 by 1870; and
- The African Episcopal Church increase from 100,000 to 400,000 over the same period.

The influence of these "black" churches continued into the 20<sup>th</sup> Century where they were central to the fight for Civil Rights in the 1960s.

## **EXPANDING EDUCATIONAL OPPORTUNITIES**

With emancipation came greater opportunities for education. Generally, learning to read and write had been denied to the blacks under slavery. Freedmen quickly began to establish societies for self improvement to raise money for schools, libraries and training black teachers. In this, they received assistance from Northerners who provided female missionary teachers.

## THE FREEDMEN'S BUREAU

Abolitionists had argued that the South's system of slavery was a denial of Thomas Jefferson's words that "... all men are created equal", but the fact was that the newly created freedmen were overwhelmingly:

- Unskilled;
- Unlettered;
- Without property;
- Without capital; and
- Without experience in living free.

To address these issues, Congress created the *Freedman's Bureau* on March 3, 1865. In theory the Bureau was a kind of welfare agency. Directed by General Oliver Howard, who was later to found Howard University, the Freedman's Bureau had its greatest successes in the areas of education where, for example, it was involved in teaching 200,000 blacks to read. In other areas, the Bureau's work was often controversial and success was somewhat problematic:

- Even though the Bureau was meant to settle former slaves on forty acre lots of land, little of the land confiscated from Confederates made its way into black possession;
- Many local administrators manipulated the system and blacks found themselves committed to work for their former masters through labour contracts;
- A particular focus of resentment against the Bureau was the claim by Southerners that it represented interference in local affairs by the Federal Government.
- President Andrew Johnson disliked the Bureau and it was disbanded in 1872 during Grant's presidency.

## PRESIDENT ANDREW JOHNSON

Johnson was a Tennessean of humble origins, orphaned at an early age, with no formal education, apprenticed as a tailor from the age of 10 and who taught himself to read. One recent American textbook observed that:

*"...Like many self-made men he tended to over praise his maker."*

*"... He was buried with the Constitution for his pillow"*

Although born in North Carolina, Johnson moved to Tennessee at the age of 17 and became active in local politics. Despite the fact that he came to own a number of slaves himself, he was the champion of poor whites against the planter aristocracy.

As a Congressman he gained attention when he refused to secede from the Union when Tennessee did so. When Tennessee was partially brought back into the Union by the Northern Army, Johnson was appointed its war-time governor. When he became Lincoln's Union Party Vice-President in 1864, it was hoped that he would attract support from the War Democrats and other pro-Southern elements.

Johnson struggled as President because:

1. There were issues of legitimacy following Lincoln's assassination
2. He was a Southerner unfamiliar with the North but distrusted by the South;
3. He was a Democrat in a party dominated by Republicans; and
4. He lacked the political and diplomatic skills to deal with Reconstruction.

## **PRESIDENTIAL RECONSTRUCTION**

The politics of Reconstruction pre-dates the end of the war itself. Lincoln took the view that the Southern states had not legally left the Union and, therefore, their restoration would be relatively simple. In 1863 Lincoln proposed his 10% plan. This meant that a state would be restored to the Union when 10% of its voters from the 1860 Presidential Election swore an oath of allegiance to the US and promised to accept emancipation.

Republicans in Congress took a different view and in 1864 passed the *Wade-Davis Bill*. The Bill required 50% of a state's voters to take the oath. Lincoln used his "pocket veto" and in 1864 the Congress retaliated by refusing to seat the Louisiana delegates after that state had complied with Lincoln's 10% plan. The Wade Davis Bill reflected deep differences between the President and Congress over Reconstruction. Many in Congress felt that the Confederate States had fortified their rights as members of the Union and that they would be readmitted as Conquered Provinces on conditions set down by Congress. The Republican Party split on the issue:

1. A majority of Moderate Republicans supported Lincoln and the idea of a swift restoration but felt that Congress not the President should determine the conditions.
2. A minority of Radical Republicans felt that the South should be punished to atone for their sins. They wanted a clear transformation of Southern society and clear legal protection for the rights of blacks.

As with most great political debates this was a matter of "right vs right" – with elements of truth on both sides. Any hopes held by Radical Republicans that Johnson would side with them were quickly dashed. Johnson agreed with Lincoln that the Southern States had not legally left the Union and he quickly recognised several of Lincoln's 10% governments. On May 29<sup>th</sup> 1865 Johnson issued his own Reconstruction Proclamation

1. It disenfranchised a number of leading Confederates – including those with taxable property worth more than \$20 000. He did indicate, however, that he was willing to grant pardons, if requested. Johnson showed himself to be generous in this regard.
2. Special State conventions were to be called to repeal the ordinances of secession, repudiate all Confederate debts, ratify the 13<sup>th</sup> Amendment to the Constitution.
3. These States would be readmitted to the Union.

The nature of many of the about to be restored Southern State governments annoyed Republicans.

## THE BLACK CODES

Many of these new Southern regimes quickly introduced Black Codes that regulated the affairs of newly emancipated blacks in ways much like the pre war slave statues. In this regard, Mississippi's laws were the harshest and Georgia's the most lenient. They were designed to restore and preserve the economic dominance of the old ruling class by ensuring a stable and subservient labour force. The Codes also endeavoured to restore pre-war race relations. It had to accept certain freedoms for blacks, but they:

1. Denied the right to vote
2. Banned from serving on a jury
3. Some were prevented from renting or leasing land
4. Subject to laws that could see them arrested for idleness

Even though many of the worst aspects of the Black Codes were repealed, Freedmen were denied opportunity because they lacked capital and, therefore, they had little to offer but their labour. As a result thousands of former slaves just slipped into the status of Sharecroppers.

## CONGRESSIONAL RECONSTRUCTION

Legislation and events in far off places was one thing but when a number of former Confederate leaders were sent to Washington by Southern voters trouble was looming. These former Confederates included:

- Vice President Alexander Stephens (still under indictment for treason);
- Four Confederate Generals and five Colonels; and
- Several Confederate Cabinet members.

Republicans were appalled. They had also enjoyed the lack of Democratic political opposition & passed legislation that favoured the north and their constituents. The Republicans were also concerned that blacks now counted as full person, rather than simply the three-fifths of a person in slave days. This change entitled the South to:

1. 12 more votes in Congress; and
2. 12 more presidential electoral votes

In December 1865, the doors of Congress were barred to the new Southern delegations.

An alliance of Northern and Southern Democrats could rest power from the Republicans and perpetuate the Black Codes. In turn it threatened the Republican Party's legislative agenda by:

1. Lowering tariffs
2. Rerouting the transcontinental railway
3. Repealing the Homestead Act

These differences were at the heart of the clash between the President and Congress.

## JOHNSON vs CONGRESS

Legislators battled Presidential veto. The Republicans reacted by passing the Civil Rights Bill in March 1866, it conferred American citizenship on the blacks and struck at the Black Codes. Johnson vetoed but the Congress then voted to over-ride the veto. A pattern was set, eroding to some extent the political power of the President. The Republicans began to move to consolidate the *Civil Rights Bill* by introducing the 14<sup>th</sup> Amendment to the Constitution. The 14<sup>th</sup> Amendment passed Congress and went to the States in June 1866 which:

1. Granted civil rights and citizenship on Freedmen, although it excluded the franchise;
2. Reduced the representation of any State in Congress and in the Electoral College if it denied blacks the vote;
3. Disqualified from federal and state office Confederates who had once sworn to support the Constitution of the United States; and
4. Guaranteed federal debt and repudiated Confederate debt.

All Republicans regarded ratifying the 14<sup>th</sup> Amendment as a key to be welcomed back into the Union. President Johnson advised the Southern states to reject it and, of the “sinful eleven”, all but Tennessee rejected it.

The clash between the President and the Congress was reflected in the 1866 Congressional elections. The Republicans won more than a two-thirds majority in both the Congress and the Senate. This meant that the Republicans were “veto proof” and controlled Reconstruction. There were disagreements, however, between radical and moderate Republicans. The radicals wanted to keep the Southern states out of the Union for as long as possible and create drastic social and economic change in the South by the use of federal power. More moderate Republicans were more considerate of states rights and simply wanted federal checks on the States and less federal intervention. The moderates had a majority and the tone of Reconstruction, reflected their views, although BOTH groups agreed by 1867 on the need for enfranchising blacks even if it took federal troops to do it.

## RECONSTRUCTION BY THE SWORD

Against the back drop of a series of bloody race riots in several southern cities the Congress passed the Reconstruction Act on March 2 1867. This Act:

1. Divided the South into five military districts, under command of a Union General and with US troops stationed in the area to support the authority;
2. The Act also temporary disenfranchised tens of thousands of former Confederates
3. There were stringent conditions for re-admission to the Union involving ratification of the 14<sup>th</sup> Amendment and granting full suffrage to former adult male slaves.

The moderates hope that they could create an electoral environment in the southern states that would provide justice without too much direct federal involvement. They were wrong!

Radical concerns led to the 15<sup>th</sup> Amendment passed by Congress in 1869 and ratified in 1870 that incorporated the right to vote for blacks in the federal constitution.

There was dispute about the legality of granting such sweeping military authority but it seemed that a radical situation justified a radical response. By 1870, all of the Southern states had been restored. The troops remained until Republican administrations were firmly in place in all of them. As soon as the troops were withdrawn, however, the States quickly restored Democratic administrators who were seen as 'Redeemers'. The last federal troops left the South in 1877.

## THE REALITIES OF RADICAL RECONSTRUCTION IN THE SOUTH

In considering the issue of whether the right to vote granted to blacks in the South as a matter of principle or just a political ploy, the following should be noted:

- Both Lincoln and Johnson considered extending the vote gradually to select groups of blacks;
- Both the 13<sup>th</sup> & 14<sup>th</sup> Amendments held short of the commitment;
- It appeared that blacks were to be given the citizenship status of women – without the vote;
- In 1867, former slaves gained the vote while white Southerners were temporarily without it;
- Until the 15th Amendment was passed, many blacks in Northern states were without the vote

Once they had the vote, Southern black men began to organise politically and black political participation expanded markedly under Reconstruction. This offended many former slave owners, who attacked the white supporters of the Freedmen as "*scalawags*" and "*carpetbaggers*". The scalawags were Southerners and the carpetbaggers Northerners.

The radical regimes did introduce a range of important social and economic reforms, including:

1. The creation of adequate public schools
2. A streamlined tax system
3. Initiating a range of important public works
4. Guaranteeing property rights to women

There was at the same time, however, large scale graft and corruption, especially in South Carolina and Louisiana. For example, in a remarkable display of sound personal fiscal management one carpetbagger Governor managed in a single year to save \$100 000 from his \$8 000 annual salary

## THE KU KLUX KLAN

The Ku Klux Klan was founded in Tennessee in 1866 with acts of terrorism during nation building. The lessons of history are there today for those who are willing to heed them!

## JOHNSON AND IMPEACHMENT

The trigger was Johnson's violation of the *Tenure of Act* that Congress had passed in 1867 to ensure the retention of Lincoln's Secretary of War, Edwin Stanton. When Johnson dismissed Stanton, Congress initiated impeachment proceedings. The radicals failed by one vote to remove Johnson. This failure of the impeachment move had as much to do with politics as principle. Whilst some saw it as a dangerous destabilisation of government and an abuse of necessary checks and balances, others were more afraid of the prospect of Ben Wade as President.

## THE HERITAGE OF RECONSTRUCTION

Reconstruction was marked by its *ad hoc* nature. There was little evidence of a clear plan and it developed in an episodic fashion. The moderate Republicans did not recognise the depth of racist feeling and the lengths that many in the South would continue to maintain their way of life. Thus, the difficulty of regime change described in this paper simply reinforces the earlier assertion that:

“Despite good intentions by Republicans, the Old South was  
in many ways more resurrected than reconstructed.”

## THE HISTORIOGRAPHY OF RECONSTRUCTION

In the early 1900s, the views of William A Dunning of Columbia University and his students suggested that Reconstruction was national disgrace. Reconstruction was depicted as a time when the defeated South was victimised by a vengeful group of radical Republicans.

By the 1920s, Howard Beale expanded the criticism of the radical Republicans and charged that they were motivated by a desire to exploit the South.

After 1945, Kenneth Stampp, reflecting the influence of the civil rights movement argued that Reconstruction had been a noble endeavour to extend American principles of equity and justice. This view had become the orthodoxy by the 1970s.

Michael Benedict and Leon Litwack, however, concerned over the difficulties with civil rights in the 1960s, began to look again at the political motives of the radical Republicans. They questioned whether reconstruction had ever been really radical.

In more recent times Eric Foner has attempted to re-assert the noble and radical nature of Reconstruction. Although it failed to achieve full equality, Reconstruction did allow blacks to organise politically and gain a measure of economic independence. Thus,

*First the South rose again and then radical Reconstruction re-emerged.*