CHAPTER

16

Reconstruction • • 1865–1877
HOW DID southerners remember the war?

HOW DID it shape their response to Reconstruction?

WHAT WERE African Americans’ hopes for Reconstruction?

HOW DID Presidential Reconstruction differ from Congressional Reconstruction?

WHAT ROLE did violence play in Counter-Reconstruction?

WHY DID the federal government abandon African Americans after 1872?

HOW AND why did Reconstruction end?

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An elderly man reads a newspaper with the headline “Presidential Proclamation, Slavery,” which refers to the January 1863 Emancipation Proclamation in this painting by Henry Louis Stephens (1824–1882).
ONE AMERICAN JOURNEY
AN APPEAL TO THE AMERICAN PEOPLE (1871)

When a dark and fearful strife
Raged around the nation’s life,
And the traitor plunged his steel
Where your quivering hearts could feel,
When your cause did need a friend,
We were faithful to the end.

With your soldiers, side by side,
Helped we turn the battle’s tide,
Till o’er ocean, stream and shore,
Wave the rebel flag no more,
And above the rescued sod
Praises rose to freedom’s God.

But to-day the traitor stands
With crimson on his hands,
Scowling ‘neath his brow of hate,
On our weak and desolate,
With the blood-rust on the knife
Aimed at the nation’s life.

Asking you to weakly yield
All we won upon the field,
To ignore, on land and flood,
All the offerings of our blood,
And to write above our slain
“They have fought and died in vain.”

Frances Ellen Watkins Harper, the author of this poem, pleaded with northerners not to abandon African Americans in their quest for full equality. She appealed both to their sense of fairness—that African Americans had fought side-by-side and laid down their lives for the Union cause—and to their self-interest to not allow their winning the war, and the sacrifices that entailed, to be betrayed by losing the peace.

At the time, 1871, Reconstruction was under full assault in the South by white paramilitary groups associated with the Democratic Party. Though violence against the freedmen and their aspirations had been persistent since the end of the Civil War, the growing political power of blacks in the South after 1867 provoked more organized and violent assaults on blacks and some of their white colleagues. The federal government attempted to quell these disturbances with troops and legislation, but these measures were largely ineffective. While a majority of northern whites had opposed slavery, a majority also opposed racial equality. By 1871, a consensus emerged in the North to allow southern whites a free hand in dealing with their political problems. Harper’s appeal, therefore, fell on deaf ears. The nation’s journey toward a more just society took a major detour in the decade after the Civil War.

Frances Harper’s personal journey was more rewarding. She was born into a free black family in Maryland, a slave state, in 1825. Orphaned at the age of three and raised by her aunt and uncle, she attended a noted school for free blacks in Baltimore. By the time she was 25, she had become the first woman professor at a seminary in Ohio which later became Wilberforce University. In 1853, Harper moved to Philadelphia where she worked in the Underground Railroad and became one of the few black women lecturers on abolition. In 1860, she married Fenton Harper, and had a daughter with him. When he died in 1864, she took her daughter and resumed lecturing, becoming one of the first women of color to travel throughout the South in the days after emancipation, helping to educate former slaves.

Although she arrived in the South with considerable hope, Harper left after five frustrating years. Violence against African Americans and their white allies had escalated and threatened to reduce the former slaves to a permanent category of second-class citizenship. Her poem was one of her last attempts to reach a northern public already grown weary of the periodic racial disturbances in the South. Harper spent the rest of her life writing novels and poetry, and working for the causes of temperance and of racial and women’s rights.

The position of African Americans in American society was one of the two great issues of the Reconstruction era. The other great issue was how and under what terms to readmit the former Confederate states. Between 1865 and 1867, under President Andrew Johnson’s Reconstruction plan, white southerners pretty much had their way with the former slaves and with their own state governments. Congressional action between 1867 and 1870 attempted to balance black rights and home rule, with mixed results. After 1870, white southerners gradually regained control of their states and localities, often through violence and intimidation, denying black southerners their political gains while Republicans in Washington and white northerners lost interest in policing their former enemies.

By the time the last federal troops left the South in 1877, the white southerners had prevailed. The Confederate states had returned to the Union with all of
**Chronology**

1861  Tsar Alexander II frees the serfs of Russia.
1863  Lincoln proposes his Ten Percent Plan.
1864  Congress proposes the Wade-Davis Bill.
1865  Sherman issues Field Order No. 15.
      Freedmen’s Bureau is established.
      Andrew Johnson succeeds to the presidency, unveils his Reconstruction plan.
      Massachusetts desegregates all public facilities.
      Black citizens in several southern cities organize Union Leagues.
      Former Confederate states begin to pass black codes.
1866  Congress passes Southern Homestead Act, Civil Rights Act of 1866.
      Ku Klux Klan is founded.
      Fourteenth Amendment to the Constitution is passed (ratified in 1868).
      President Johnson goes on a speaking tour.
1868  President Johnson is impeached and tried in the Senate for defying the Tenure of Office Act.
      Republican Ulysses S. Grant is elected president.
1869  Fifteenth Amendment passed (ratified 1870).
1870  Congress passes Enforcement Act.
      Republican regimes topple in North Carolina and Georgia.
1871  Congress passes Ku Klux Klan Act.
1872  Freedmen’s Bureau closes down.
      Liberal Republicans emerge as a separate party.
      Ulysses S. Grant is reelected.
1873  Severe depression begins.
      Colfax Massacre occurs.
      U.S. Supreme Court’s decision in the *Slaughterhouse* cases weakens the intent of the Fourteenth Amendment.
      Texas falls to the Democrats in the fall elections.
1874  White Leaguers attempt a coup against the Republican government of New Orleans.
      Democrats win off-year elections across the South amid widespread fraud and violence.
1875  Congress passes Civil Rights Act of 1875.
1876  Supreme Court’s decision in *United States v. Cruikshank* nullifies Enforcement Act of 1870.
      Outcome of the presidential election between Republican Rutherford B. Hayes and Democrat Samuel J. Tilden is contested.
1877  Compromise of 1877 makes Hayes president and ends Reconstruction.
their rights and many of their leaders restored. And the freed slaves remained in mostly subservient positions with few of the rights and privileges enjoyed by other Americans.

**WHITE SOUTHERNERS AND THE GHOSTS OF THE CONFEDERACY, 1865**

The casualties of war in the South continued long after the hostilities ceased. Cities such as Richmond, Atlanta, Savannah, Charleston, and Columbia lay in ruins; farmsteads were stripped of everything but the soil; infrastructure, especially railroads, was damaged or destroyed; factories and machinery were demolished; and at least 5 million bales of cotton, the major cash crop, had gone up in smoke. Add a worthless currency, and the loss was staggering, climbing into hundreds of billions of dollars in today’s currency.

Their cause lost and their society destroyed, white southerners lived through the summer and fall of 1865 surrounded by ghosts, the ghosts of lost loved ones, joyful times, bountiful harvests, self-assurance, and slavery. Defeat shook the basic tenets of their religious beliefs. Some praised God for delivering the South from the sin of slavery. But many other white southerners refused to accept their defeat as a divine judgment.

This engraving shows southerners decorating the graves of rebel soldiers at Hollywood Memorial Cemetery in Virginia in 1867. Northerners and southerners alike honored their war dead. But in the South, the practice of commemorating fallen soldiers became an important element in maintaining the myth of the Lost Cause that colored white southerners’ view of the war.
Instead, they insisted, God had spared the South for a greater purpose. They came to view the war as the Lost Cause and interpreted it, not as a lesson in humility, but as an episode in the South’s journey to salvation. White southerners transformed the bloody struggle into a symbol of courage against great odds and piety against sin. Eventually, they believed, redemption would come.

The Lost Cause would not merely exist as a memory, but also as a three-dimensional depiction of southern history, in rituals and celebrations, and as the educational foundation for future generations. The statues of the Confederate common soldier erected typically on the most important site in a town, the courthouse square; the commemorations of Confederate Memorial Day, the birthdays of prominent Confederate leaders, and the reunions of veterans, all marked with flourishings oratory, brass bands, parades, and related spectacles; and the textbooks implanting the white history of the South in young minds and carrying the legacy down through the generations—all of these ensured that the Lost Cause would not only be an interpretation of the past, but also the basic reality of the present and the foundation for the future.

Most white southerners approached the great issues of freedom and reunification with unyielding views. They saw African Americans as adversaries whose attempts at self-improvement were a direct challenge to white people’s belief in their own racial superiority. White southerners saw outside assistance to black southerners as another invasion. The Yankees might have destroyed their families, their farms, and their fortunes, but they would not destroy the racial order. The war may have ended slavery, but white southerners were determined to preserve strict racial boundaries.

**More than Freedom: African American Aspirations in 1865**

Black southerners had a quite different perspective on the Civil War and Reconstruction, seeing the former as a great victory for freedom and the latter as a time of great possibility. To black southerners the Civil War was a war of liberation, not a Lost Cause. The response of southern whites to black aspirations still stunned African Americans, who believed, naively perhaps, that what they sought—education, land, access to employment, and equality in law and politics—were basic rights and modest objectives. The former slaves did not initially even dream of social equality; far less did they plot murder and mayhem, as white people feared. They did harbor two potentially contradictory aspirations. The first was to be left alone, free of white supervision. But the former slaves also wanted land, voting and civil rights, and education. To secure these, they needed the intervention and support of the white power structure.

In 1865, African Americans had reason to hope that their dreams of full citizenship might be realized. They enjoyed a reservoir of support for their aspirations among some Republican leaders. The first step Congress took beyond emancipation was to establish the Bureau of Refugees, Freedmen, and Abandoned Lands in March 1865. Congress envisioned the Freedmen’s Bureau, as it came to be called, as a multipurpose
agency to provide social, educational, and economic services, advice, and protection to former slaves and destitute white southerners. The bureau marked the federal government’s first foray into social welfare legislation. Congress also authorized the bureau to rent confiscated and abandoned farmland to freedmen in 40-acre plots, with an option to buy. This auspicious beginning belied the great disappointments that lay ahead.

**Education**

The greatest success of the Freedmen’s Bureau was in education. The bureau coordinated more than fifty northern philanthropic and religious groups, which, in turn, established 3,000 freedmen’s schools in the South, serving 150,000 men, women, and children.

Initially, single young women from the Northeast comprised much of the teaching force. By 1871, black teachers outnumbered white teachers in the “colored” schools. The financial troubles of northern missionary societies and white northerners’ declining interest in the freedmen’s condition opened opportunities for black teachers. Support
for them came from black churches, especially the African Methodist Episcopal (AME) Church.

At the end of the Civil War, only about 10 percent of black southerners were literate, compared with more than 70 percent of white southerners. Within a decade, black literacy had risen above 30 percent. Joseph Wilson, a former slave, attributed the rise to “this longing of ours for freedom of the mind as well as the body.”

Some black southerners went on to one of the thirteen colleges established by the American Missionary Association and black and white churches. Between 1860 and 1880 more than 1,000 black southerners earned college degrees at institutions still serving students today, such as Howard University in Washington, DC, Fisk University in Nashville, Hampton Institute (now University), Tuskegee Institute, and Biddle Institute (now Johnson C. Smith University) in Charlotte.

Pursuing freedom of the mind involved challenges beyond those of learning to read and write. Many white southerners condemned efforts at “Negro improvement.” They viewed the time spent on education as wasted, forcing the former slaves to catch their lessons in bits and pieces between work, often by candlelight or on Sundays. White southerners also harassed white female teachers, questioning their morals and threatening people who rented rooms to them. After the Freedmen’s Bureau folded in 1872 and many of the northern societies that supported freedmen’s education collapsed or cut back their involvement, education for black southerners became more haphazard.

“Forty Acres and a Mule”

Although education was important to the freed slaves in their quest for civic equality, land ownership offered them the promise of economic independence. For generations, black people had worked southern farms and had received nothing for their labor.

An overwhelmingly agricultural people, freedmen looked to farm ownership as a key element in their transition from slavery to freedom. “Gib us our own land and we take care of ourselves,” a Charleston freedman asserted to a northern visitor in 1865. “But without land, de ole massas can hire or starve us, as dey please.” Even before the war’s end, rumors circulated through black communities in the South that the government would provide each black family with 40 acres and a mule. These rumors were fueled by General William T. Sherman’s Field Order No. 15 in January 1865, which set aside a vast swath of abandoned land along the South Atlantic coast from the Charleston area to northern Florida for grants of up to 40 acres. The Freedmen’s Bureau likewise raised expectations when it was initially authorized to rent 40-acre plots of confiscated or abandoned land to freedmen.

By June 1865, about 40,000 former slaves had settled on Sherman land along the southeastern coast. In 1866, Congress passed the Southern Homestead Act, giving black people preferential access to public lands in five southern states. Two years later, the Republican government of South Carolina initiated a land-redistribution program financed by the sale of state bonds. The state used proceeds from the bond sales to purchase farmland, which it then resold to freedmen, who paid for it with state-funded long-term low-interest loans. By the late 1870s, more than 14,000 African American families had taken advantage of this program.
Land ownership did not ensure financial success. Most black-owned farms were small and on marginal land. The value of these farms in 1880 was roughly half that of white-owned farms. Black farmers also had trouble obtaining credit to purchase or expand their holdings. A lifetime of fieldwork left some freedmen without the managerial skills to operate a farm. The hostility of white neighbors also played a role in thwarting black aspirations.

The vast majority of former slaves, however, especially those in the Lower South, never fulfilled their dreams of land ownership. Rumors to the contrary, the federal government never intended to implement a land-redistribution program in the South. General Sherman viewed his field order as a temporary measure to support freedmen for the remainder of the war. President Andrew Johnson nullified the order in September 1865, returning confiscated land to its former owners. Even Republican supporters of black land ownership questioned the constitutionality of seizing privately owned real estate. Most of the land-redistribution programs that emerged after the war, including government-sponsored programs, required black farmers to have capital. But in the impoverished postwar economy of the South, it was difficult for them to acquire it.

Republican Party rhetoric of the 1850s extolled the virtues and dignity of free labor over the degradation of slave labor. Free labor usually meant working for a wage or under some other contractual arrangement. After the war, many white northerners envisioned former slaves assuming the status of free laborers, not necessarily of independent landowners.

Most of the officials of the Freedmen’s Bureau shared these views and therefore saw reviving the southern economy as a higher priority than helping former slaves acquire farms. They wanted both to get the crop in the field and start the South on the road to a free labor system. Thus, they encouraged freedmen to work for their former masters under contract and to postpone their quest for land.

At first, agents of the Freedmen’s Bureau supervised labor contracts between former slaves and masters. But after 1867, bureau surveillance declined. Agents assumed that both black laborers and white landowners had become accustomed to the mutual obligations of contracts. The bureau, however, underestimated the power of white landowners to coerce favorable terms or to ignore those they did not like. Contracts implied a mutuality that most planters could not accept in their relations with former slaves.

By the late 1870s, most former slaves in the rural South had been drawn into a subservient position in a new labor system called sharecropping. The premise of this system was relatively simple: The landlord furnished the sharecroppers with a house, a plot of land to work, seed, some farm animals, and farm implements and advanced them credit at a store the landlord typically owned. In exchange, the sharecroppers promised the landlord a share of their crop, usually one-half. The croppers kept the proceeds from the sale of the other half to pay off their debts at the store and save or spend as they and their families saw fit. In theory, a sharecropper could save enough to secure economic independence.

But white landlords perceived black independence as both contradictory and subversive. With landlords keeping the accounts at the store, black sharecroppers found that the proceeds from their share of the crop never left them very far ahead. Some found themselves in perpetual debt and worked as virtual slaves. Not all white landlords
cheated their tenants, but given the sharecroppers’ innocence regarding accounting methods and crop pricing, the temptation to do so was great.

**Migration to Cities**

Even before the hope of land ownership faded, African Americans looked for alternatives to secure their personal and economic independence. Before the war, the city had offered slaves and free black people a measure of freedom unknown in the rural South. After the war, African Americans moved to cities to find families, seek work, escape the tedium and supervision of farm life, or simply to test their right to move about.

Between 1860 and 1870, the African American population in every major southern city rose significantly. In Atlanta, for example, black people accounted for one in five residents in 1860 and nearly one in two by 1870.

Once in the city, freedmen had to find a home and a job. They usually settled on the outskirts of town, where building codes did not apply. Rather than developing one large ghetto, as happened in many northern cities, black southerners lived in small concentrations in and around cities. Sometimes armed with a letter of reference from their former masters, black people went door to door to seek employment. Many found work serving white families, as guards, laundresses, or maids, for very low wages. Both skilled and unskilled laborers found work rebuilding war-torn cities like Atlanta.

Most rural black southerners, however, worked as unskilled laborers. In both Atlanta and Nashville, black people comprised more than 75 percent of the unskilled workforce in 1870. Their wages were at or below subsistence level. A black laborer in Richmond admitted to a journalist in 1870 that he had difficulty making ends meet on $1.50 a day. “It’s right hard,” he reported. “I have to pay $15 a month rent, and only two little rooms.” His family survived because his wife took in laundry, while her mother watched the children. Considering the laborer’s struggle, the journalist wondered, “Were not your people better off in slavery?” The man replied, “Oh, no sir! We’re a heap better off now…. We’re men now, but when our masters had us we was only change in their pockets.”

**Faith and Freedom**

Religious faith framed and inspired the efforts of African Americans to test their freedom on the farm and in the city. White southerners used religion to transform the Lost Cause from a shattering defeat to a premonition of a greater destiny. Black southerners, in contrast, saw emancipation in biblical terms as the beginning of an exodus from bondage to the Promised Land.

Some black churches in the postwar South had originated during the slavery era, but most split from white-dominated congregations after the war. White churchgoers deplored the expressive style of black worship, and black churchgoers were uncomfortable in congregations that treated them as inferiors. A separate church also reduced white surveillance.

The church became a primary focus of African American life. It gave black people the opportunity to hone skills in self-government and administration that white-dominated
society denied them. Within the supportive confines of the congregation, they could assume leadership positions, render important decisions, deal with financial matters, and engage in politics. The church also operated as an educational institution. Local governments, especially in rural areas, rarely constructed public schools for black people; churches often served that function.

The desire to read the Bible inspired thousands of former slaves to attend the church school. The church also spawned other organizations that served the black community, such as burial societies, Masonic lodges, temperance groups, trade unions, and drama clubs. African Americans took great pride in their churches, which became visible measures of their progress. The church and the congregation were a cohesive force in black communities.

The efforts of former slaves in the classroom, on the farm, in cities, and in the churches reflect the enthusiasm and expectations with which black southerners greeted freedom, raising the hopes of those who came to help them, such as Frances Harper. But the majority of white southerners were unwilling to see those expectations fulfilled. For this reason, African Americans could not secure the fruits of their emancipation without the support and protection of the federal government. The issue of freedom was therefore inextricably linked to the other great issue of the era, the rejoining of the Confederacy to the Union, as expressed in federal Reconstruction policy.

**Federal Reconstruction, 1865–1870**

When the Civil War ended in 1865, no acceptable blueprint existed for reconstituting the Union. President Lincoln believed that a majority of white southerners were Unionists at heart and that they could and should undertake the task of reconstruction. He favored a conciliatory policy toward the South in order, as he put it in one of his last letters, “to restore the Union, so as to make it... a Union of hearts and hands as well as of States.” He counted on the loyalists to be fair with respect to the rights of the former slaves.

As early as 1863, Lincoln had proposed to readmit a seceding state if 10 percent of its prewar voters took an oath of loyalty to the Union, and it prohibited slavery in a new state constitution. But this Ten Percent Plan did not require states to grant equal civil and political rights to former slaves, and many Republicans in Congress thought it was not stringent enough. In 1864, a group of them responded with the Wade-Davis Bill, which required a majority of a state’s prewar voters to pledge their loyalty to the Union and demanded guarantees of black equality before the law. The bill was passed at the end of a congressional session, but Lincoln kept it from becoming law by refusing to sign it (an action known as a “pocket veto”). Lincoln, of course, died before he could implement a Reconstruction plan.

The controversy over the plans introduced during the war reflected two obstacles to Reconstruction that would continue to plague the ruling Republicans after the war. First, neither the Constitution nor legal precedent offered any guidance on whether the president or Congress should take the lead on Reconstruction policy. Second, there was no agreement on what that policy should be. Proposals requiring
various preconditions for readmitting a state, loyalty oaths, new constitutions with certain specific provisions, guarantees of freedmen’s rights, all provoked vigorous debate.

President Andrew Johnson, some conservative Republicans, and most Democrats believed that because the Constitution made no mention of secession, the southern states had been in rebellion but had never left the Union, and therefore that there was no need for a formal process to readmit them. Moderate and radical Republicans disagreed, arguing that the defeated states had forfeited their rights. Moderates and radicals parted company, however, on the conditions necessary for readmission to the Union. The radicals wanted to treat the former Confederate states as territories, or “conquered provinces,” subject to congressional legislation. Moderates wanted to grant the seceding states more autonomy and limit federal intervention in their affairs while they satisfied the conditions of readmission. Neither group held a majority in Congress, and legislators sometimes changed their positions (see the Overview table, Contrasting Views of Reconstruction).

**Presidential Reconstruction, 1865–1867**

When the Civil War ended in April 1865, Congress was not in session and would not reconvene until December. Thus, the responsibility for developing a Reconstruction policy initially fell on Andrew Johnson, who succeeded to the presidency upon Lincoln’s assassination. Most northerners, including many Republicans, approved Johnson’s Reconstruction plan when he unveiled it in May 1865. Johnson extended pardons and restored property rights, except in slaves, to southerners who swore an oath of allegiance to the Union and the Constitution. Southerners who had held prominent posts in the Confederacy, however, and those with more than $20,000 in taxable property, had to petition the president directly for a pardon. The plan said nothing about the voting rights or civil rights of former slaves.

Northern Democrats applauded the plan’s silence on these issues and its promise of a quick restoration of the southern states to the Union. They expected the southern states to favor their party and expand its political power. Republicans approved the plan because it restored property rights to white southerners, although some wanted it to provide for black suffrage. Republicans also hoped that Johnson’s conciliatory terms might attract some white southerners to the Republican Party.

On the two great issues of freedom and reunion, white southerners quickly demonstrated their eagerness to reverse the results of the Civil War. Although most states accepted President Johnson’s modest requirements, several objected to one or more of them. Mississippi and Texas refused to ratify the Thirteenth Amendment, which abolished slavery. Alabama accepted only parts of the amendment. South Carolina declined to nullify its secession ordinance. No southern state authorized black voting. When Johnson ordered special congressional elections in the South in the fall of 1865, the all-white electorate returned many prominent Confederate leaders to office.

In late 1865, the newly elected southern state legislatures revised their antebellum slave codes. The updated black codes allowed local officials to arrest black people who could not document employment and residence or who were “disorderly” and sentence
them to forced labor on farms or road crews. The codes also restricted black people to certain occupations, barred them from jury duty, and forbade them to possess firearms. Apprenticeship laws permitted judges to take black children from parents who could not, in the judges’ view, adequately support them. Given the widespread poverty in the South in 1865, the law could apply to almost any freed black family. Northerners looking for contrition in the South found no sign of it. Worse, President Johnson did not seem perturbed about this turn of events.

The Republican-dominated Congress reconvened in December 1865 in a belligerent mood. When the radicals, who comprised nearly half of the Republican Party’s strength in Congress, could not unite behind a program, their moderate colleagues took the first step toward a congressional Reconstruction plan. The moderates shared the radicals’ desire to protect the former slaves’ civil rights. But they would not support land-redistribution schemes or punitive measures against prominent Confederates, and

“Selling a Freeman to Pay His Fine at Monticello, Florida.” This 1867 engraving shows how the black codes of the early Reconstruction era reduced former slaves to virtually their pre-Civil War status. Scenes like this convinced northerners that the white South was unrepentant and prompted congressional Republicans to devise their own Reconstruction plans.
Mississippi’s 1865 Black Codes

White southerners, especially landowners and business owners, feared that emancipation would produce a labor crisis; freedmen, they expected, would either refuse to work or strike hard bargains with their former masters. White southerners also recoiled from the prospect of having to treat their former slaves as full social equals. Thus, beginning in late 1865, several southern states, including Mississippi, enacted laws designed to control black labor, mobility, and social status. Northerners responded to the codes as a provocation, a bold move to deny the result of the war and its consequences.

How did the black codes fit into President Andrew Johnson’s Reconstruction program?

Some northerners charged that the black codes were a backdoor attempt at reestablishing slavery. Do you agree?

If southern states enacted black codes to stabilize labor relations, how did the provisions below effect that objective?

FROM AN ACT TO CONFER CIVIL RIGHTS ON FREEDMEN, AND FOR OTHER PURPOSES

Section 1. All freedmen, free negroes and mulattoes may sue and be sued, implead and be impleaded, in all the courts of law and equity of this State, and may acquire personal property, and choose in action, by descent or purchase, and may dispose of the same in the same manner and to the same extent that white persons may: Provided, That the provisions of this section shall not be so construed as to allow any freedman, free negro or mulatto to rent or lease any lands or tenements except in incorporated cities or towns, in which places the corporate authorities shall control the same.

Section 7. Every civil officer shall, and every person may, arrest and carry back to his or her legal employer any freedman, free negro, or mulatto who shall have quit the service of his or her...
employer before the expiration of his or her term of service without good cause; and said officer and person shall be entitled to receive for arresting and carrying back every deserting employee aforesaid the sum of five dollars, and ten cents per mile from the place of arrest to the place of delivery; and the same shall be paid by the employer, and held as a set off for so much against the wages of said deserting employee: Provided, that said arrested party, after being so returned, may appeal to the justice of the peace or member of the board of police of the county, who, on notice to the alleged employer, shall try summarily whether said appellant is legally employed by the alleged employer, and has good cause to quit said employer. Either party shall have the right of appeal to the county court, pending which the alleged deserter shall be remanded to the alleged employer or otherwise disposed of, as shall be right and just; and the decision of the county court shall be final.

FROM AN ACT TO AMEND THE VAGRANT LAWS OF THE STATE

Section 2. All freedmen, free negroes and mulattoes in this State, over the age of eighteen years, found on the second Monday in January, 1866, or thereafter, with no lawful employment or business, or found unlawfully assembling themselves together, either in the day or night time, and all white persons assembling themselves with freedmen, Free negroes or mulattoes, or usually associating with freedmen, free negroes or mulattoes, on terms of equality, or living in adultery or fornication with a freed woman, freed negro or mulatto, shall be deemed vagrants, and on conviction thereof shall be fined in a sum not exceeding, in the case of a freedman, free negro or mulatto, fifty dollars, and a white man, two hundred dollars, and imprisonment at the discretion of the court, the free negro not exceeding ten days, and the white man not exceeding six months.

disagreed on extending voting rights to the freedmen. The moderates’ first measure, passed in early 1866, extended the life of the Freedmen’s Bureau and authorized it to punish state officials who failed to extend equal civil rights to black citizens. But President Johnson vetoed the legislation.

Undeterred, Congress passed the Civil Rights Act of 1866 in direct response to the black codes. The act specified the civil rights to which all U.S. citizens were entitled. In creating a category of national citizenship with rights that superseded state laws, the act changed federal-state relations (and in the process overturned the \textit{Dred Scott} decision). President Johnson vetoed the act, but it became law when Congress mustered a two-thirds majority to override his veto, the first time in American history that Congress passed major legislation over a president’s veto.

To keep freedmen’s rights safe from presidential vetoes, state legislatures, and federal courts, the Republican-dominated Congress moved to incorporate some of the provisions of the 1866 Civil Rights Act into the Constitution. The \textbf{Fourteenth Amendment}, which Congress passed in June 1866, addressed the issues of civil and voting rights. It guaranteed every citizen equality before the law. The two key sections of the amendment prohibited states from violating the civil rights of their citizens, thus outlawing the black codes, and gave states the choice of enfranchising black people or losing representation in Congress. Some radical Republicans expressed disappointment that the amendment, in a reflection of northern ambivalence, failed to give the vote to black people outright.

The amendment also disappointed advocates of woman suffrage, for the first time using the word \textit{male} in the Constitution to define who could vote. Susan B. Anthony, who had campaigned for the abolition of slavery before the war and helped mount a petition drive that collected 400,000 signatures for the Thirteenth Amendment, founded the American Equal Rights Association in 1866 with her colleagues to push for woman suffrage at the state level.

The Fourteenth Amendment had little immediate impact on the South. Although enforcement of black codes diminished, white violence against black people increased. In the 1870s, several decisions by the U.S. Supreme Court weakened the amendment’s provisions. Eventually, however, it would play a major role in securing the civil rights of African Americans.

President Johnson encouraged southern white intransigence by openly denouncing the Fourteenth Amendment. In August 1866, at the start of the congressional election campaign, he undertook an unprecedented tour of key northern states to sell his message of sectional reconciliation to the public. Although listeners appreciated Johnson’s desire for peace, they questioned his claims of southern white loyalty to the Union. The president’s diatribes against the Republican Congress won him followers in those northern states with a reservoir of opposition to black suffrage. But the tone and manner of his campaign offended many as undignified. In the November elections, the Democrats suffered embarrassing defeats in the North as Republicans managed better than two-thirds majorities in both the House and Senate, sufficient to override presidential vetoes. Radical Republicans, joined by moderate colleagues buoyed by the election results and revolted by the president’s and the South’s intransigence, seized the initiative when Congress reconvened.

\section*{Congressional Reconstruction, 1867–1870}

The radicals’ first salvo in their attempt to take control of Reconstruction occurred with the passing over President Johnson’s veto of the Military Reconstruction Acts.
The measures, passed in March 1867, inaugurated a period known as Congressional Reconstruction or Radical Reconstruction. With the exception of Tennessee, the only southern state that had ratified the Fourteenth Amendment and been readmitted to the Union, Congress divided the former Confederate states into five military districts, each headed by a general (see Map 16–1). The commanders’ first order of business was to conduct voter-registration campaigns to enroll black people and bar white people who had held office before the Civil War and supported the Confederacy. The eligible voters would then elect delegates to a state convention to write a new constitution that guaranteed universal manhood suffrage. Once a majority of eligible voters ratified the new constitution and the Fourteenth Amendment, their state would be eligible for readmission to the Union.

The Reconstruction Acts fulfilled the radicals’ three major objectives. First, they secured the freedmen’s right to vote. Second, they made it likely that southern states would be run by Republican regimes that would enforce the new constitutions, protect former slaves’ rights, and maintain the Republican majority in Congress. Finally, they set standards for readmission that required the South to accept the preeminence of the

**MAP 16–1 • Congressional Reconstruction, 1865–1877** When Congress wrested control of Reconstruction policy from President Andrew Johnson, it divided the South into the five military districts depicted here. The commanding generals for each district held the authority both to hold elections and to decide who could vote.

**What does the division of the South into military districts that included more than one state tell us about how northern Republicans saw the former Confederacy?**
federal government and the end of slavery. These measures seemed appropriate in view of the war’s outcome and the freedmen’s status, but white southerners, especially those barred from participation, perceived the state and local governments constructed upon the new basis as illegitimate. Many southern whites would never acknowledge the right of these governments and their officials to rule over them.

To limit presidential interference with their policies, Republicans passed the **Tenure of Office Act**, prohibiting the president from removing certain officeholders without the Senate’s consent. Johnson, angered at what he believed was an unconstitutional attack on presidential authority, deliberately violated the act by firing Secretary of War Edwin M. Stanton, a leading radical, in February 1868. The House responded by approving articles of impeachment against a president for the first time in American history. That set the stage for the next step prescribed by the Constitution: a Senate trial to determine whether the president should be removed from office.

Johnson had indeed violated the Tenure of Office Act, a measure of dubious constitutionality even to some Republicans, but enough Republicans felt that his actions fell short of the “high crimes and misdemeanors” standard set by the Constitution for dismissal from office. Seven Republicans deserted their party, and Johnson was acquitted. The seven Republicans who voted against their party did so not out of respect for Johnson but because they feared that a conviction would damage the office of the presidency and violate the constitutional separation of powers. The outcome weakened the radicals and eased the way for Grant, a moderate Republican, to gain the party’s nomination for president in 1868.

The Republicans viewed the 1868 presidential election as a referendum on Congressional Reconstruction. They supported black suffrage in the South but equivocated on allowing African Americans to vote in the North. Black northerners could vote in only eight of the twenty-two northern states, and between 1865 and 1869, white northerners rejected equal suffrage referendums in eight of eleven states. Republicans “waved the bloody shirt,” reminding voters of Democratic disloyalty, the sacrifices of war, and the peace only Republicans could redeem. Democrats denounced Congressional Reconstruction as federal tyranny and, in openly racist appeals, warned white voters that a Republican victory would mean black rule. Grant won the election, but his margin of victory was uncomfortably narrow. Reflecting growing ambivalence in the North over issues of race and federal authority, New York’s Horatio Seymour, the Democratic presidential nominee, probably carried a majority of the nation’s white vote. Black voters’ overwhelming support for Grant probably provided his margin of victory.

The Republicans retained a strong majority in both houses of Congress and managed to pass another major piece of Reconstruction legislation, the **Fifteenth Amendment**, in February 1869. In response to growing concerns about voter fraud and violence against freedmen, the amendment guaranteed the right of American men to vote, regardless of race. Although the amendment provided a loophole allowing states to restrict the right to vote based on literacy or property qualifications, it was nonetheless a milestone. It made the right to vote perhaps the most distinguishing characteristic of U.S. citizenship.

The Fifteenth Amendment allowed states to keep the franchise a male prerogative, angering many in the woman-suffrage movement more than had the Fourteenth Amendment. The resulting controversy severed the ties between the movement and Republican politics. Susan B. Anthony broke with her abolitionist colleagues and
opposed the amendment. In an appeal brimming with ethnic and racial animosity, Elizabeth Cady Stanton warned that “if you do not wish the lower orders of Chinese, African, Germans and Irish, with their low ideas of womanhood to make laws for you and your daughters… awake to the danger… and demand that woman, too, shall be represented in the government!” Such language created a major rift in the nascent women’s movement.

**Southern Republican Governments, 1867–1870**

Away from Washington, the first order of business for the former Confederacy was to draft state constitutions. The documents embodied progressive principles new to the South. They mandated the election of numerous local and state offices. Self-perpetuating local elites could no longer appoint themselves or cronies to powerful positions. The constitutions committed southern states, many for the first time, to public education. Lawmakers enacted a variety of reforms, including social welfare, penal reform, legislative reapportionment, and universal manhood suffrage.

The Republican regimes that gained control in southern states promoted vigorous state government and the protection of civil and voting rights. Three Republican constituencies supported these governments: native whites, native blacks, and northern transplants. The small native white group was mostly made up of yeomen farmers. Residing mainly in the upland regions of the South and long ignored by lowland planters and merchants in state government, they were left devastated by the war. They struggled to keep their land and hoped for an easing of credit and for debt-stay laws to help them escape foreclosure. They wanted public schools for their children and good roads to get their crops to market. Some urban merchants and large planters also called themselves Republicans. They were attracted to the party’s emphasis on economic development, especially railroad construction, and would become prominent in Republican leadership after 1867, forming a majority of the party’s elected officials. Collectively, opponents called these native white southerners scalawags.

Northern transplants, or carpetbaggers, as many southern whites called them, constituted a second and smaller group of southern Republicans. Thousands of northerners came south during and after the war. Many were Union soldiers who simply enjoyed the climate and perhaps married a local woman. Most were drawn by economic opportunity. Land was cheap and the price of cotton high. Although most carpetbaggers had supported the Republican Party before they moved south, few became politically active until the cotton economy nosedived in 1866. Financial concerns were not all that motivated carpetbaggers to enter politics; some hoped to aid the freedmen.

Carpetbaggers never comprised more than 2 percent of any state’s population. Most white southerners viewed them as an alien presence, instruments of a hated occupying force. Because many of them tended to support extending political and civil rights to black southerners, carpetbaggers were also often at odds with their fellow white Republicans, the scalawags.

African Americans constituted the Republican Party’s largest southern constituency. In three states, South Carolina, Mississippi, and Louisiana, they also constituted the majority of eligible voters. They viewed the franchise as the key to civic equality and economic opportunity and demanded an active role in party and government affairs.
Black people began to take part in southern politics even before the end of the Civil War, especially in cities occupied by Union forces. In February 1865, black people in Norfolk, Virginia, gathered to demand a say in the new government that Union supporters were forming in that portion of the state. In April, they created the Colored Monitor Union club, modeled after regular Republican Party organizations in northern cities, called Union Leagues. They demanded “the right of universal suffrage” for “all loyal men, without distinction of color.” Black people in other southern cities held similar meetings, seeking inclusion in the democratic process to protect their freedom. Despite white threats, black southerners thronged to Union League meetings in 1867, even forging interracial alliances in states such as North Carolina and Alabama. Focusing on political education and recruitment, the leagues successfully mobilized black voters. In 1867, more than 90 percent of eligible black voters across the South turned out for elections. Black women, even though they could not vote, also played a role. During the 1868 presidential campaign, for example, black maids and cooks in the South wore buttons touting the candidacy of the Republican presidential nominee, Ulysses S. Grant.

### Overview: Contrasting Views of Reconstruction: President and Congress

<table>
<thead>
<tr>
<th>Politician or Group</th>
<th>Policy on Former Slaves</th>
<th>Policy on Readmission of Former Confederate States</th>
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<tr>
<td>President Johnson</td>
<td>Opposed to black suffrage</td>
<td>Maintained that rebellious states were already readmitted</td>
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<tr>
<td></td>
<td>Silent on protection of black civil rights</td>
<td>Granted pardons and restoration of property to all who swore allegiance to the United States</td>
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<tr>
<td></td>
<td>Opposed to land redistribution</td>
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<tr>
<td>Radical Republicans</td>
<td>Favored black suffrage</td>
<td>Favored treating rebellious states as territories and establishing military districts*</td>
</tr>
<tr>
<td></td>
<td>Favored protection of black civil rights</td>
<td>Favored limiting franchise to black people and loyal white people</td>
</tr>
<tr>
<td></td>
<td>Favored land redistribution</td>
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<tr>
<td>Moderate Republicans</td>
<td>Favored black suffrage*</td>
<td>Favored some restrictions on white suffrage**</td>
</tr>
<tr>
<td></td>
<td>Favored protection of civil rights</td>
<td>Favored requiring states to meet various requirements before being readmitted*</td>
</tr>
<tr>
<td></td>
<td>Opposed land redistribution</td>
<td>Split on military rule</td>
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*After 1866.  
**True of most but not all members of the group.
Black southerners were not content just to vote; they also demanded political office. White Republican leaders in the South often took the black vote for granted. But on several occasions after 1867, black people threatened to run independent candidates, support rival Democrats, or simply stay home unless they were represented among Republican nominees. These demands brought them some success. The number of southern black congressmen in the U.S. House of Representatives increased from two in 1869 to seven in 1873, and more than 600 African Americans, most of them former slaves from plantation counties, were elected to southern state legislatures between 1867 and 1877.

White fears that black officeholders would enact vengeful legislation proved unfounded. African Americans generally did not promote race-specific legislation. Rather, they supported measures such as debt relief and state funding for education that benefited all poor and working-class people. Like all politicians, however, black officials in southern cities sought to enact measures beneficial to their constituents, such as roads and sidewalks.

During the first few years of Congressional Reconstruction, Republican governments walked a tightrope, attempting to lure moderate Democrats and unaffiliated white voters into the party without slighting the black vote. They used the lure of patronage power and the attractive salaries that accompanied public office. In 1868, for example, Louisiana’s Republican governor, Henry C. Warmoth, appointed white conservatives to state and local offices, which he divided equally between Confederate veterans and black people, and repealed a constitutional provision disfranchising former Confederate officials.

Republicans also gained support by expanding the role of state government to a degree unprecedented in the South. Southern Republican administrations appealed to hard-pressed upland white constituents by prohibiting foreclosure and passing stay laws that allowed farm owners additional time to repay debts. They undertook building programs that benefited black and white citizens, erecting hospitals, schools, and orphanages. Stepping further into social policy than most northern states at the time, Republican governments in the South expanded women’s property rights, enacted legislation against child abuse, and required child support from fathers of mulatto children. In South Carolina, the Republican government provided medical care for the poor; in Alabama, it provided free legal aid for needy defendants.

Despite these impressive policies, southern Republicans were unable to hold their diverse constituency together. The excesses of some state governments, high taxes, contests over patronage, and conflicts over the relative roles of white and black party members opened rifts in Republican ranks. Patronage triggered intraparty warfare. Every office secured by a Democrat created a disappointed Republican. Class tensions erupted in the party as economic development policies sometimes superseded relief and social service legislation supported by small farmers. The failure of Alabama Republicans to deliver on promises of debt relief and land redistribution eroded the party’s support among upcountry white voters. There were differences among black voters too. In the Lower South, divisions that had developed in the prewar era between urban, lighter-skinned free black people and darker, rural slaves persisted into the Reconstruction era. In many southern states, black clergy, because of their independence from white support and their important spiritual and educational role, became leaders. But most preached salvation in the
next world rather than equality in this one, conceding more to white people than their rank-and-file constituents.

**Counter-Reconstruction, 1870–1874**

Republicans might have survived battles over patronage, policy, expenditures, and taxes. But they could not overcome racism and the violence it generated. Racism killed Republican rule in the South because it deepened divisions within the party, encouraged white violence, and eroded support in the North. Southern Democrats discovered that they could use race baiting and racial violence to create solidarity among white people that overrode their economic and class differences. Unity translated into election victories.

Northerners responded to the persistent violence in the South, not with outrage, but with a growing sense of tedium. They came to accept the arguments of white southerners that it was folly to allow black people to vote and hold office, especially since most northern whites would not extend the franchise to African Americans in their own states.

By 1874, Americans were concerned with an array of domestic problems that overshadowed Reconstruction. A serious economic depression left them more preoccupied with survival than racial justice. Corruption convinced many that politics was part of the nation’s problems, not a solution to them. With the rest of the nation thus distracted and weary, white southerners reclaimed control of the South.

**The Uses of Violence**

Racial violence preceded Republican rule. As African Americans moved about, attempted to vote, haggled over labor contracts, and carried arms as part of the occupying Union forces, they tested the patience of white southerners, to whom any black assertion of equality seemed threatening. African Americans were the face of whites’ defeat, of their world turned upside down. If the war was about slavery, then here was the visible proof of the Confederacy’s defeat. Many white southerners viewed the term “free black” less as a status than as an oxymoron. The restoration of white supremacy meant the restoration of order and civilization, an objective southern whites would pursue with vengeance.

White paramilitary groups were responsible for much of the violence directed against African Americans. Probably the best-known of these groups was the Ku Klux Klan. Founded in Tennessee by six Confederate veterans in 1866, the Klan was initially a social club. Within a year, the Klan had spread throughout the South. In 1867, when black people entered politics in large numbers, the Klan unleashed a wave of terror against them. The Klan directed much of its violence toward subverting the electoral process. One historian has estimated that roughly 10 percent of all black delegates to the 1867 state constitutional conventions in the South became victims of political violence during the next decade.

By 1868, white paramilitary organizations permeated the South. Violence was particularly severe in election years in Louisiana, which had a large and active black electorate. The most serious example of political violence in Louisiana, occurred in Colfax in 1873, when a white Democratic mob attempted to wrest control of local
government from Republicans. For three weeks, black defenders held the town against the white onslaught. When the white mob finally broke through, they massacred the remaining black defenders, including those who had surrendered and laid down their weapons. It was the bloodiest peacetime massacre in nineteenth-century America.

Racial violence and the combative reaction it provoked both among black people and Republican administrations energized white voters. Democrats regained power in North Carolina, for example, after the state’s Republican governor enraged white voters by calling out the militia to counter white violence during the election of 1870. That same year, the Republican regime in Georgia fell as well.

The federal government responded with a variety of legislation. One example was the Fifteenth Amendment. Another was the Enforcement Act of 1870, which authorized the federal government to appoint supervisors in states that failed to
protect voting rights. When violence and intimidation persisted, Congress followed with a second, more sweeping measure, the Ku Klux Klan Act of 1871. This law permitted federal authorities, with military assistance, if necessary, to arrest and prosecute members of groups that denied a citizen’s civil rights if state authorities failed to do so. The Klan Act was not successful in curbing racial violence, as the Colfax Massacre in 1873 made vividly clear. But with it, Congress, by claiming the right to override state authority to bring individuals to justice, established a new precedent in federal-state relations.

Northern Indifference

The success of political violence after 1871 reflected both a declining commitment on the part of northern Republicans to support southern Republican administrations and a growing indifference of northerners to the major issues of Reconstruction. That northern base grew increasingly skeptical about Reconstruction policy in general and assistance to the freedmen in particular. Northern Republicans looked around their cities and many saw the local political scene infested with unqualified immigrant voters and corruption. New York City’s Democratic boss William M. Tweed and his associates bilked the city of an astounding $100 million. When white southerners charged that unqualified blacks and grasping carpetbaggers corrupted the political process in the South, northerners recognized the argument.

Changing perceptions in the North also indicated a convergence of racial views with white southerners. As a radical Republican congressman from Indiana, George W. Julian, admitted in 1865, white northerners “hate the negro.” They expressed this hatred in their rejection of black suffrage, racial segregation of their African American population, and periodic violence against black residents, such as during the New York Draft Riots of 1863. Northerners’ views were bolstered by prevailing scientific theories of race that “proved” blacks’ limited capacities and, therefore, unfitness for either the ballot or skilled occupations.

Northerners also grew increasingly wary of federal power. The emerging scandals of the Grant administration, fueled, it seemed, by government subsidies to railroads and other private businesses, demanded a scaling back of federal power and discretion. When white southerners complained about federal meddling, again, they found resonance in the North.

The excesses and alleged abuses of federal power inspired a reform movement among a group of northern Republicans and some Democrats. In addition, business leaders decried the ability of wealthy lobbyists to influence economic decisions. An influential group of intellectuals and opinion makers lamented the inability of politicians to understand “natural” laws, particularly those related to race. And some Republicans joined the reform movement out of fear that Democrats would capitalize on the turmoil in the South and the political scandals in the North to reap huge electoral victories in 1872.

Liberal Republicans and the Election of 1872

Liberal Republicans, as the reformers called themselves, put forward an array of suggestions to improve government and save the Republican Party. They advocated civil service reform to reduce reliance on patronage and the abuses that accompanied office seeking. To limit government and reduce artificial economic stimuli, the
reformers called for tariff reduction and an end to federal land grants to railroads. For the South, they recommended a general amnesty for white people and a return to “local self-government” by men of “property and enterprise.”

When the Liberals failed to convince other Republicans to adopt their program, they broke with the party. Taking advantage of this split, the Democrats forged an alliance with the Liberals. Together, they nominated journalist Horace Greeley to challenge Ulysses S. Grant for the presidency in the election of 1872. Grant won resoundingly, helped by high turnout among black voters in the South, his continued popularity as a war hero, and Greeley’s inept campaign.

**Economic Transformation**

After 1873, the Republican Party in the South became a liability for the national party, especially as Americans fastened on to economic issues. The major story of the decade would not be equal rights for African Americans, but the changing nature of the American economy. An overextended banking and credit system generated the Panic of 1873 and caused extensive suffering, particularly among working-class Americans. But the depression masked a remarkable economic transformation as the nation moved toward a national industrial economy.

The depression and the economic transformation occupied center stage in the American mentality of the mid-1870s, at least in the North. Most Americans had mentally forsaken Reconstruction long before the Compromise of 1877 made its abandonment a political fact. The sporadic violence against black and white Republicans in the South, and the cries of help from freedmen as their rights and persons were abused by white Democrats, became distant echoes from another era, the era of the Civil War, now commemorated and memorialized, but no longer an active part of the nation’s present and future. Of course, for white southerners, the past was not yet past. There was still work to do.

**Redemption, 1874–1877**

For southern Democrats, the Republican victory in 1872 underscored the importance of turning out larger numbers of white voters and restricting the black vote. They accomplished these goals over the next four years with a surge in political violence, secure in the knowledge that federal authorities would rarely intervene against them. Preoccupied with corruption and economic crisis and increasingly indifferent, if not hostile, to African American aspirations, most Americans looked the other way. The elections of 1876 confirmed the triumph of white southerners.

In a religious metaphor that matched their view of the Civil War as a lost crusade, southern Democrats called their victory “Redemption” and depicted themselves as **Redeemers**, holy warriors who had saved the South from the hell of black Republican rule. Generations of American boys and girls would learn this interpretation of the Reconstruction era, and it would affect race relations for nearly a century.

**The Democrats’ Violent Resurgence**

The violence between 1874 and 1876 differed in several respects from earlier attempts to restore white government by force. Attackers operated more openly and more
closely identified themselves with the Democratic Party. Mounted, gray-clad ex-
Confederate soldiers flanked Democratic candidates at campaign rallies and “visited”
black neighborhoods afterward to discourage black men from voting. With black
people intimidated and white people already prepared to vote, election days were
typically quiet.

Democrats swept to victory across the South in the 1874 elections. “A perfect
reign of terror” redeemed Alabama for the Democrats. The successful appeal to
white supremacy inspired a massive white turnout to unseat Republicans in Virginia,
Florida (legislature only), and Arkansas. Texas had fallen to the Democrats in 1873.
Only South Carolina, Mississippi, and Louisiana, states with large black populations,
larved the debacle. But the relentless tide of terror would soon overwhelm them
as well.

Democratic leaders in those states announced a “white line” policy, inviting all white
men, regardless of party affiliation, to “unite” and redeem the states. They all had the
same objective: to eliminate African Americans as a political factor by any means. Black
Republicans not only feared for their political future, but also for their lives.

A bold assault occurred in New Orleans in September 1874 when 8,500 White
League troops, many of them leading citizens and Confederate veterans, attempted a
coup to oust Republican Governor William P. Kellogg and members of his administra-
tion. The New Orleans Leaguers overwhelmed the city’s racially mixed Metropolitan
Police Force under the command of former Confederate general James B. Longstreet.
The timely arrival of federal troops, ordered to the scene by President Grant, prevented
the takeover. The League was more successful in the Louisiana countryside in the weeks
preceding the Democratic victory in November 1874. League troops overthrew or
murdered Republican officials in eight parishes.

The Democratic victory in Louisiana encouraged white paramilitarists in Mississippi.
Blacks dominated the Warren County government headquartered in Vicksburg. Liners
demanded the resignations of all black officials including the sheriff, Peter Crosby, a
black Union veteran. Republican Governor Adelbert Ames, a native of Maine, ordered
the Liners to disperse and granted Crosby’s request to raise a protective militia to
respond to future threats.

Peter Crosby’s efforts to gather a militia force were too successful. An army of several
hundred armed African Americans marched in three columns from the surrounding coun-
tryside to Vicksburg. Whites responded to the challenge, firing on the militia and tracking
down and terrorizing blacks in the city and county over the next ten days. Leaguers killed
at least twenty-nine blacks and wounded countless more. Democrats gained control of the
county government.

The Vicksburg incident was a rehearsal for Democratic victories in statewide
elections in 1875. Liners focused on the state’s majority black counties and vowed to
“overawe the negroes and exhibit to them the ocular proof of our power.”

The intimidation worked and the Democrats swept to victory in Mississippi. They
would not allow Governor Ames to finish his term, threatening him with impeachment.
Fearing for his safety, Ames resigned and fled the state. The South’s second war of
independence was reaching its climax.

July Fourth, 1876. America’s 100th birthday. A modest celebration unfolded in
Hamburg, South Carolina, a small town in Edgefield County across the Savannah
River from Augusta, Georgia. Blacks comprised more than 75 percent of the town’s
population. They held most of the political offices. An altercation occurred concerning the right of way between the black militia parading in the street and a passing wagon carrying several prominent white residents. When the aggrieved parties met four days later, more than 1,000 armed whites were milling in front of the wooden “armory” where 100 black militiamen had taken refuge. A shot rang out and shattered a second-floor window and soon a pitched battle was raging. The white attackers fired a cannon that turned most of the building into splinters. As blacks fled, whites tracked them down. The white men also burned homes and shops and robbed residents of the town.

Hamburg was part of a larger pattern of violence and intimidation in the state. In May 1876, South Carolina Democrats drafted *The Plan of the Campaign of 1876*, a manual on how to redeem the state. Some of the recommended strategies included: “Every Democrat must feel honor bound to control the vote of at least one negro, by intimidation, purchase, keeping him away or as each individual may determine how he may best accomplish it. Treat them as to show them, you are the superior race and that their natural position is that of subordination to the white man.”

The November election went off in relative calm. In Edgefield County, out of 7,000 potential voters, 9,200 ballots were cast. Similar frauds occurred throughout the state. Still, the result hung in the balance. Both Democrats and Republicans claimed victory and set up rival governments. The following April after a deal brokered in Washington between the parties, federal troops were withdrawn from South Carolina and a Democratic government installed in Columbia. The victorious Democrats expelled twenty-four Republicans from the state legislature and elected Matthew C. Butler to the U.S. Senate. Butler had led the white attackers at Hamburg.

### The Weak Federal Response

When Governor Daniel H. Chamberlain could no longer contain the violence in South Carolina in 1876, he asked the president for help. Grant acknowledged the gravity of Chamberlain’s situation but would offer him only the lame hope that South Carolinians would exercise “better judgment and cooperation” and assist the governor in bringing offenders to justice “without aid from the federal Government.”

Congress responded to blacks’ deteriorating status in the South with the Civil Rights Act of 1875. The act prohibited discrimination against black people in public accommodations, such as theaters, parks, and trains, and guaranteed freedmen’s rights to serve on juries. It had no provision for voting rights, which Congress presumed the Fifteenth Amendment protected. Most judges, however, either interpreted the law narrowly or declared it unconstitutional. In 1883, the U.S. Supreme Court agreed and overturned the act, declaring that only the states, not Congress, could redress “a private wrong, or a crime of the individual.”

### The Election of 1876 and the Compromise of 1877

Reconstruction officially ended with the presidential election of 1876, in which the Democrat Samuel J. Tilden ran against the Republican Rutherford B. Hayes. When the ballots were counted, it appeared that Tilden, a conservative New Yorker respectable
enough for northern voters and Democratic enough for white southerners, had won. But despite a majority in the popular vote, disputed returns in three southern states left him with only 184 of the 185 electoral votes needed to win. The three states—Florida, South Carolina, and Louisiana—were the last in the South still to have Republican administrations.

Both camps maneuvered intensively in the following months to claim the disputed votes. Congress appointed a 15-member commission to settle the issue. Because the Republicans controlled Congress, they held a one-vote majority on the commission.

Southern Democrats wanted Tilden to win, but they wanted control of their states more. They were willing to deal. Hayes intended to remove federal support from the remaining southern Republican governments anyway. It thus cost him nothing to promise to do so in exchange for the contested electoral votes. The so-called Compromise of 1877 installed Hayes in the White House and gave Democrats control of every state government in the South. Southern Democrats emerged the major winners from the Compromise of 1877. President Hayes and his successors into the next century left the South alone. In practical terms, the Compromise signaled the revocation of civil rights and voting rights for black southerners. The Fourteenth and Fifteenth Amendments would be dead letters in the South until well into the twentieth century. On the two great issues confronting the nation at the end of the Civil War, reunion and freedom, the white South had won. It reentered the Union largely on its own terms with the freedom to pursue a racial agenda consistent with its political, economic, and social interests.

**The Memory of Reconstruction**

Southern Democrats used the memory of Reconstruction to help maintain themselves in power. Reconstruction joined the Lost Cause as part of the glorious fight to preserve the civilization of the Old South. As white southerners elevated Civil War heroes into saints and battles into holy struggles, they equated Reconstruction with Redemption. White Democrats had rescued the South from a purgatory of black rule and federal oppression. The southern view of Reconstruction permeated textbooks, films, and standard accounts of the period. By the early 1900s, professional historians at the nation’s finest institutions concurred in this view, ignoring contrary evidence and rendering the story of African Americans invisible. By that time, therefore, most Americans believed that the policies of Reconstruction had been misguided and had brought great suffering to the white South. The widespread acceptance of this view allowed the South to maintain its system of racial segregation and exclusion without interference from the federal government.

Memorialists did not deny the Redeemers’ use of terror and violence. To the contrary; they praised it as necessary. South Carolina senator Benjamin R. Tillman, a participant in the Hamburg massacre, stood in front of his Senate colleagues in 1900 and asserted, “We were sorry we had the necessity forced upon us, but we could not help it, and as white men we are not sorry for it, and we do not propose to apologize for anything we have done in connection with it. We took the government away from them [African Americans] in 1876. We did take it... We of the South have never recognized the right of the negro to govern white men, and we never will.” The animosity of southern whites toward Republican governments had much less to do with alleged
corruption and incompetence than the mere fact of African Americans casting ballots and making laws.

The national historical consensus grew out of a growing national reconciliation concerning the war, a mutual agreement that both sides had fought courageously and that it was time to move on. Hidden in all the goodwill was the tacit agreement between southern and northern whites that the South was now free to work out its own resolution to race relations. Reconstruction rested on a national consensus of African American inferiority.

MODEST GAINS

If the overthrow of Reconstruction elicited a resounding indifference from most white Americans, black southerners greeted it with frustration. Their dreams of land ownership faded as a new labor system relegated them to a lowly position in southern agriculture. Redemption reversed their economic and political gains and deprived them of most of the civil rights they had enjoyed under Congressional Reconstruction. Although they continued to vote into the 1890s, they had by 1877 lost most of the voting strength and political offices they held. Rather than becoming part of southern society, they were increasingly set apart from it, valued only for their labor.

Still, the former slaves were better off in 1877 than in 1865. They were free, however limited their freedom. Some owned land; some held jobs in cities. They raised their families in relative peace and experienced the spiritual joys of a full religious life. They socialized freely with relatives and friends, and they moved about. The Reconstruction amendments to the Constitution guaranteed an array of civil and political rights, and eventually these guarantees would form the basis of the civil rights revolution after World War II. But that outcome was long, too long, in the future.

Black southerners experienced some advances in the decade after the Civil War, but these owed little to Reconstruction. Black families functioned as economic and psychological buffers against unemployment and prejudice. Black churches played crucial roles in their communities. Self-help and labor organizations offered mutual friendship and financial assistance. All of these institutions had existed in the slavery era, although on a smaller scale. And some of them, such as black labor groups, schools, and social welfare associations, endured because comparable white institutions excluded black people.

Black people also scored some modest economic successes during the Reconstruction era, mainly from their own pluck. In the Lower South, black per capita income increased 46 percent between 1857 and 1879, compared with a 35 percent decline in white per capita income. Sharecropping, oppressive as it was, represented an advance over forced and gang labor. Collectively, black people owned more than $68 million worth of property in 1870, a 240 percent increase over 1860, but the average worth of each piece of property was only $408.

The Fourteenth and Fifteenth Amendments to the Constitution are among the few bright spots in Reconstruction’s otherwise dismal legacy. But the benefits of these two landmark amendments did not accrue to African Americans until well into the twentieth century. White southerners effectively nullified the Reconstruction amendments, and the U.S. Supreme Court virtually interpreted them, and other Reconstruction legislation, out of existence.
## Constitutional Amendments and Federal Legislation of the Reconstruction Era

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<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thirteenth Amendment (passed and ratified in 1865)</td>
<td>Prevented southern states from reestablishing slavery after the war</td>
<td>Final step toward full emancipation of slaves</td>
</tr>
<tr>
<td>Freedmen’s Bureau Act (1865)</td>
<td>Oversight of resettlement, labor for former slaves</td>
<td>Involved the federal government directly in relief, education, and assisting the transition from slavery to freedom; worked fitfully to achieve this objective during its seven-year career</td>
</tr>
<tr>
<td>Southern Homestead Act (1866)</td>
<td>Provided black people preferential access to public lands in five southern states</td>
<td>Lack of capital and poor quality of federal land thwarted the purpose of the act</td>
</tr>
<tr>
<td>Civil Rights Act of 1866</td>
<td>Defined rights of national citizenship</td>
<td>Marked an important change in federal-state relations, tilting balance of power to national government</td>
</tr>
<tr>
<td>Fourteenth Amendment (passed 1866; ratified 1868)</td>
<td>Prohibited states from violating the rights of their citizens</td>
<td>Strengthened the Civil Rights Act of 1866 and guaranteed all citizens equality before the law</td>
</tr>
<tr>
<td>Military Reconstruction Acts (1867)</td>
<td>Set new rules for the readmission of former Confederate states into the Union and secured black voting rights</td>
<td>Initiated Congressional Reconstruction</td>
</tr>
<tr>
<td>Tenure of Office Act (1867)</td>
<td>Required congressional approval for the removal of any official whose appointment had required Senate confirmation</td>
<td>A congressional challenge to the president’s right to dismiss cabinet members; led to President Andrew Johnson’s impeachment trial</td>
</tr>
<tr>
<td>Fifteenth Amendment (passed 1869; ratified 1870)</td>
<td>Guaranteed the right of all American male citizens to vote regardless of race</td>
<td>The basis for black voting rights</td>
</tr>
<tr>
<td>Civil Rights Act of 1875</td>
<td>Prohibited racial discrimination in jury selection, public transportation, and public accommodations</td>
<td>Rarely enforced; Supreme Court declared it unconstitutional in 1883</td>
</tr>
</tbody>
</table>
In the *Slaughterhouse cases* (1873), the Supreme Court contradicted the intent of the Fourteenth Amendment by decreeing that most citizenship rights remained under state, not federal, control. In *United States v. Cruikshank* (1876), the Court overturned the convictions of some of those responsible for the Colfax Massacre, ruling that the Enforcement Act applied only to violations of black rights by states, not individuals. Within the next two decades, the Supreme Court would uphold the legality of racial segregation and black disfranchisement, in effect declaring that the Fourteenth and Fifteenth Amendments did not apply to African Americans.

**Conclusion**

White southerners robbed black southerners of their gains and sought to reduce them again to servitude and dependence, if not to slavery. But in the process, the majority of white southerners lost as well. Yeoman farmers missed an opportunity to break cleanly from the Old South and establish a more equitable society. Instead, they allowed the old elites to regain power and gradually ignore their needs. They preserved the social benefit of a white skin at the cost of almost everything else. Many lost their farms and sank into tenancy. Few had a voice in state legislatures or the U.S. Congress. A new South, rid of slavery and sectional antagonism, had indeed emerged—redeemed, regenerated, and disenthralled. But the old South lingered on.

The journey toward equality after the Civil War had aborted. Reconstruction had not failed. It was overthrown. In the weeks and months after Appomattox, white southerners launched a war against the freedmen and their allies to return white Democrats to power and African Americans to a position of permanent subordination in southern society. The indifferent and often hostile attitudes of white northerners toward blacks played a role in limiting the federal response and ensuring the success of the white South in prosecuting this war. As with the Civil War, the overthrow of Reconstruction was a national tragedy. By 1877, the “golden moment,” an unprecedented opportunity for the nation to live up to its ideals by extending equal rights to all its citizens, black and white alike, had passed.

**Review Questions**

1. Both Russia and America hoped to develop a free-labor agricultural class after their respective emancipations. Why didn’t these governments follow through on their own objectives?

2. Given the different perspectives on the Civil War’s outcome and what the social structure of a postwar South should be, was there any common ground between southern white and southern black on which to forge a Reconstruction policy?

3. Black people did achieve some notable gains during Reconstruction, despite its overall failure. What were those gains?

4. What prompted Frances Harper to write her pleading poem in 1871?
Connections

Reinforce what you learned in this chapter by studying the many documents, images, maps, review tools, and videos available at www.myhistorylab.com.

Read and Review

✓ [Study and Review on myhistorylab.com] Study Plan: Chapter 16

Read the Document on myhistorylab.com

A Sharecrop Contract (1882)
Carl Schurz, Report on the Condition of the South (1865)
Clinton B. Fisk, “Plain Counsels for Freedmen” (1865)
Albion W. Tourgee, Letter on Ku Klux Klan Activities (1870)
“Address of the Colored Citizens of Norfolk, Virginia” (1865)
Address of the Colored State Convention to the People of the State of South Carolina (1865)
Charlotte Forten, Life on the Sea Islands
Hannah Irwin Describes Ku Klux Klan Ride (Late 1860s)
Jourdon Anderson to His Former Master (1865)
President Johnson’s Veto of the Civil Rights Act 1866
The Civil Rights Act of 1866
The Fourteenth Amendment (1868)
The Freedmen’s Bureau Bill (1865)
The Mississippi Black Code (1865)
Thirteenth, Fourteenth, and Fifteenth Amendments

See the Map
Congressional Reconstruction

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From Then to Now Online: African American Voting Rights in the South
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