

Post Civil War America: Reconstruction (1865-1877)

The Freedmen's Bureau

1. Congress created the Freedmen's Bureau on March 3, 1865
 - a. Many freedmen were
 - i. Unskilled
 - ii. Without property or money
 - iii. Had little knowledge of how to survive as free people
 - b. It provided to both freedmen and white refugees
 - i. Clothing
 - ii. Medical care
 - iii. Food
 - iv. Education
 - c. Union general Oliver O. Howard led the bureau
2. The bureau's greatest success was teaching blacks to read
3. Freedmen's Bureau expired in 1872
 - a. Because it was despised by the President and by Southerners

Andrew Johnson

1. In Congress he refused to secede with his own state of Tennessee
2. Johnson was listed as the Vice President on Lincoln's 1864 election ticket
 - a. To gain support from
 - i. War Democrats
 - ii. Other pro-Southern elements
3. Johnson was a
 - a. Strong supporter of state's rights and of the Constitution
 - b. Southerner who did not understand the North
 - c. Democrat who had not been accepted by the Republicans.

Plans for Reconstruction

1. "10 Percent" Reconstruction Plan (1863)
 - a. Lincoln's Plan
 - b. Dictated that a state could be reintegrated into the Union when 10% of its voters in the presidential election of 1860
 - i. had taken an oath of allegiance to the United States
 - ii. had pledged to abide by emancipation
 - c. A formal state government would then be constructed within the state
 - d. Then the state would be re-admitted into the Union.
2. Wade-Davis Bill (1864)
 - a. Passed by Congress
 - b. Authors:
 - i. Senator Benjamin Wade (R-OH)
 - ii. Rep Henry Winter Davis (R-MD)

- c. Creates a framework for Reconstruction
 - d. Thought 10% plan was too mild
 - e. Wade Davis Bill required:
 - i. 50% of a state's voters take the oath of allegiance
 - ii. States give Freedmen the right to vote
 - f. GOP feared the
 - i. Restoration of planter aristocracy
 - ii. Possible re-enslavement of blacks
 - g. President Lincoln refused to sign the bill, killed it with pocket veto
3. Factions Arise
- a. Disagreement between the President and Congress
 - b. Revealed differences in Republicans
 - c. Two factions arose within the GOP:
 - i. Majority
 - 1. Agreed with Lincoln
 - 2. Believed that the seceded states should be restored to the Union as quickly as possible
 - ii. Radical Minority
 - 1. Felt the South should suffer greatly before its re-admittance
 - 2. Wanted the South's social structure to be uprooted
 - 3. Wanted the planters to be punished
 - 4. Wanted newly-emancipated blacks to be protected by federal power
4. Johnson's Plan (1865)
- a. Based on Lincoln's plan
 - b. Created provisional military governments
 - c. Called for special state conventions which were required to:
 - i. Repeal the decrees of secession
 - ii. Write new State Constitutions
 - iii. Ratify the 13th Amendment
 - d. No enfranchisement for Freedmen
 - e. Loyalty oaths must be taken before amnesty granted
 - f. Southern elites barred from taking loyalty oaths
 - i. Plantation owners
 - ii. Confederate officers
 - iii. Confederate Govt officials
 - g. States that agreed to these concessions would be re-admitted.
 - h. Johnson's plan failed
 - i. Pardons
 - 1. Major cause of plan's failure
 - 2. Most Southern elite pardoned
 - 3. Elite rose to power in govt
 - ii. Faulty new State Constitutions
 - 1. Most merely revisions of old Constitutions
 - 2. Lacked protection for former slaves
 - iii. Black Codes

1. Series of laws defining status of Freedmen
2. Limited rights to assemble and travel
3. Restricted access to public institutions
4. Forbade Freedmen to serve on a jury or to vote
5. Initiated curfews
6. Created laws requiring Freedmen to carry special passes
7. Took old slave codes & replaced “slaves” with “freedmen”
8. Aimed to ensure a stable and subservient labor force
9. Mocked the idea of freedom
10. The Republicans were strongly opposed to the Black Codes

The Battle Over Reconstruction

11. The South returns to Congress
 - a. December 1865
 - b. Southern states represented themselves in Congress with former Confederate generals and colonels
12. Republicans
 - a. Infuriated
 - b. Apprehensive about embracing their Confederate enemies in Congress
 - c. Had enjoyed their supreme rule in Congress during the Civil War
 - d. Now there would be an opposing party
 - e. feared that the South would take control of Congress
13. The South would have much more control in Congress
 - a. due to the fact that slaves were now counted as a whole person
 - b. not just 3/5
 - c. This gave the South a larger population
14. President Johnson Clashes with Congress
 - a. December 1865
 - i. Johnson announced that the Southern states had met his conditions
 - ii. That the Union was now restored
 - iii. This statement angered the Republicans
 - b. February 1866
 - i. Johnson vetoed a bill extending the controversial Freedmen's Bureau (bill is later re-passed)
 - ii. In response to this, Congress passed the Civil Rights Bill
 1. March 1866
 2. Gave blacks the privilege of American citizenship
 3. Struck at the Black Codes
 4. Congress overruled the President's veto for this bill
 5. With the ability to overrule a presidential veto, Congress began to develop into the dominant role in controlling the government
15. The Fourteenth Amendment
 - a. Congress passed the 14th Amendment in 1866
 - b. Fearing that the Southerners might someday repeal the Civil Rights Law

- c. The amendment had the following components:
 - i. Gave civil rights, including citizenship, to the freedmen
 - ii. Reduced proportionately the representation of a state in Congress and in the Electoral College if it denied blacks the right to vote
 - iii. Disqualified from federal and state offices former Confederates who, as federal officeholders, had once sworn to support the Constitution of the United States
 - iv. Guaranteed the federal debt, while the Union assumed all Confederate debts
 - d. All Republicans agreed that no state should be welcomed back into the Union without ratifying the 14th Amendment
16. Interim Election of 1866
- a. President Johnson went on a tour of giving speeches denouncing the radical Republicans in Congress
 - b. Over 2/3 of the ballots cast in the interim election went to the GOP

Radical Reconstruction Emerges

1. Radical Republicans in Congress
 - a. Senator Charles Sumner
 - b. Rep. Thaddeus Stevens
 - c. Wanted to punish the South
 - d. Wanted to confiscate land of the rich and redistribute it to the poor
2. Moderate Republicans
 - a. Majority in Congress
 - b. Preferred policies that restrained the states from cutting citizens' rights
 - c. Rather than policies that directly involved the federal government in individual lives.
3. The Reconstruction Act (1867)
 - a. Divided the South into 5 military districts
 - b. Each commanded by a Union general
 - c. Policed by Union soldiers
 - d. Required that
 - i. Called for new State Constitutional Conventions
 - ii. States' constitutions had to allow former adult male slaves to vote
 - iii. States had to ratify the 14th Amendment to be re-admitted to the Union
 - iv. All new State Constitutions needed Congressional approval
 - e. Military Reconstruction of the South
 - i. Took control of certain functions of the president
 - ii. Martial Law: It set up a military rule of the South
4. President Johnson
 - a. Refused to compromise
 - b. pardoned all Confederate leaders in 1868
5. The 15th Amendment was passed by Congress in 1869
 - a. Enfranchisement regardless of previous condition of servitude

- b. Passed only because South had to for re-admittance
- c. Many Northern States opposed it

The Climax of Reconstruction: Impeachment

1. Tenure of Office Act (1867)
 - a. Passed by Congress
 - b. Required the president to secure the consent of the Senate before he could remove his cabinet members once they had been approved by the Senate
 - c. Purpose was to keep the Secretary of War in the president's cabinet
 - i. Edwin M. Stanton
 - ii. Spy for the Republican party
2. Johnson dismissed Stanton in 1868
3. The House voted to impeach Johnson for "high crimes and misdemeanors"
4. The House of Representatives prosecuted the president
5. The Senate served as the court to try Johnson on the impeachment charges
6. President Johnson argued that
 - a. The Tenure of Office Act was unconstitutional
 - b. He had fired Stanton to challenge the Act before the Supreme Court.
7. The Senate voted the president "not guilty"
 - a. By a margin of one vote
 - b. The radical Republicans failed to gain the necessary 2/3 majority vote in the Senate to remove the president.
 - c. Some Senators voted "not guilty" because they feared creating a bad precedent of abusing the checks and balances system
 - d. These Senators also did not like the economic policies of Johnson's presidential replacement, Ben Wade

Successes & Failures of Reconstruction

1. The Union League
 - a. Freedmen began to organize politically
 - b. Freedmen turned the Union League into a network of political clubs that
 - i. Educated members
 - ii. Campaigned for Republican candidates
 - iii. Built black churches and schools
 - iv. Represented black grievances before local employers and governments
 - v. Recruited militias to protect black communities from white retaliation.
2. New Southern Governments
 - a. Created public schools
 - b. Created social institutions, i.e. orphanages
 - c. Stimulated industrial and railroad growth
 - d. Freedmen represented in State and Federal Government (1868-1876)

3. Economic Cost was astronomical
 - a. Taxes required to pay for it
 - b. High tax rates turned public opinion against Reconstruction
 - c. Propaganda war against Reconstruction begins
 - i. Scalawags
 1. Southerners
 2. Accused of plundering the treasuries of the Southern states through their political influence in the radical governments
 - ii. Carpetbaggers
 1. Sleazy Northerners
 2. Who had come to the South to seek power and profit
4. Sharecropping
 - a. Redistribution of land never happened
 - b. Many Blacks were forced to continue to work the plantations after their emancipation due to the system of sharecropping
 - c. Plantation owners would rent out pieces of their land to blacks
 - d. Made the cost of rent higher than the return the land produced
 - e. Renters of the land were bound by contract to continue to work the land until debts were repaid to the plantation owner
 - f. Unable to repay the debts, blacks began to "jump" their contracts
 - g. Black Codes imposed harsh penalties on blacks who "jumped" their labor contracts
 - h. Usually forced the blacks to work for the same employer for one year
5. Supreme Court Decisions
 - a. *Slaughterhouse Cases* (1872)
 - i. Louisiana had created a partial monopoly of the slaughtering business and gave it to one company
 - ii. Competitors argued that this created "involuntary servitude," abridged "privileges and immunities," denied "equal protection of the laws," and deprived them of "liberty and property without due process of law."
 - iii. Question: Did the creation of the monopoly violate the Thirteenth and Fourteenth Amendments?
 - iv. No in a 5 – 4 Decision
 1. The equal protection claim was misplaced since it was established to void laws discriminating against blacks
 2. 14th interpreted to apply to national citizenship, not state citizenship.
 3. It gave the states primary authority over citizen's rights
 4. Weakened civil rights enforcement
 - v. The Court offered a narrow definition of the 14th Amendment
 - b. *US v. Reese* (1874)
 - i. Two election inspectors, Hiram Reese and Matthew Foushee, refused to allow William Garner, an African-American, to vote in a municipal election in Lexington, Kentucky
 - ii. Reese and Foushee claimed Garner had failed to pay a tax of \$1.50

- iii. But Garner had attempted to pay the tax and was refused by a tax collector
- iv. The Enforcement Act of 1870
 - 1. Defined penalties associated with violations of voting rights under the Fifteenth Amendment
 - 2. Stipulated that if an official refused to permit a citizen to perform an action required for voting, the citizen could present an affidavit that would qualify him
- v. Reese and Foushee refused to accept Garner's affidavit
- vi. Reese and Foushee were charged with violating the Enforcement Act
- vii. Question: Was the Enforcement Act of 1870 a valid exercise of Congress's power to enforce the Fifteenth Amendment?
- viii. No. In an 8-1 decision
 - 1. The Court concluded that the relevant sections of the Enforcement Act lacked the necessary, limiting language to qualify as enforcement of the Fifteenth Amendment
 - 2. Court restricted Congressional power to enforce the Act
 - 3. The Chief Justice first stated that the Fifteenth Amendment
 - a. "does not confer the right of suffrage upon any one," but "prevents the States, or the United States, however, from giving preference...to one citizen of the United States over another on account of race, color, or previous condition of servitude."
 - b. 15th did NOT guarantee a citizen's right to vote, but just listed certain impermissible grounds to deny suffrage
- ix. Paved the way for
 - 1. Grandfather Clauses
 - 2. Poll Taxes
 - 3. Property Requirements
 - 4. Other voting restrictions
- c. *US v. Cruikshank* (1876)
 - i. Armed white mob in Colfax, Louisiana attacked and killed over one hundred blacks during a hotly contested gubernatorial election
 - ii. Three white ringleaders were brought to trial and convicted under the Enforcement Act of 1870
 - iii. The defendants then appealed what they felt to be faulty indictments
 - iv. Question: Was the Enforcement Act of 1870 a valid exercise of Congress's power to enforce the Fourteenth Amendment?
 - v. No in a Unanimous Decision (9-0)
 - 1. The right of assembly contained in the 1st Amendment, and the right to bear arms in the 2nd Amendment only protect against Congressional (Federal) intrusion, not the States

2. Due Process and Equal Protection clauses of the Fourteenth Amendment protect citizens only from state action, not from the actions of other citizens
3. Therefore discrimination by individuals and groups were not covered by the 14th
4. Because the indictments did not allege that the defendant's actions were based upon race, interference with the victims' right to vote was also not federally actionable
- vi. The Court narrowly interpreted the 14th Amendment again
- vii. Incorporation
 1. The legal doctrine states that the restrictions and demands placed on the federal government by the Bill of Rights apply selectively to the States as well
 2. Court has since incorporated the 1st Amendment into the 14th to make it applicable to the States
 3. Court has yet to incorporate the 2nd
 4. Therefore the 2nd continues to be interpreted as a restriction only on the federal government, no on the states
- d. *Civil Rights Cases* (1883)
 - i. The Civil Rights Act of 1875 affirmed the equality of all persons in the enjoyment of transportation facilities, in hotels and inns, and in theaters and places of public amusement
 - ii. Though privately owned, these businesses were like public utilities, exercising public functions for the benefit of the public and, thus, subject to public regulation
 - iii. In five separate cases, a black person was denied the same accommodations as a white person in violation of the 1875 Act.
 - iv. Question: Does the Civil Rights Act of 1875 violate the 10th Amendment of the Constitution which reserves all powers not granted to the national government to the states or to the people?
 - v. Yes in a 8-1 Decision
 1. The 14th Amendment restrains only state action
 2. The Amendment did not authorize national legislation on subjects which are within the domain of the state
 3. Private acts of racial discrimination were simply private wrongs that the national government was powerless to correct
 - vi. Marks the end of federal attempts to protect African American rights until the later half of the 20th Century
6. The Ku Klux Klan
 - a. The "Invisible Empire of the South"
 - b. Founded in Tennessee in 1866
 - c. Formed by disgruntled white Southerners
 - d. They were angered by the success of black legislators
 - e. The group worked through terror, fear & intimidation
 - f. Force Acts of 1870 and 1871

- i. Passed by Congress
 - ii. In response to murders that the Klan had committed
 - iii. The Acts enabled Federal troops to stop the atrocities of the KKK
 - iv. The Acts came too late
 - v. Klan had already intimidated many people
7. Corruption of Grant Administration tainted Reconstruction
 8. Panic of 1873 & Long Depression
 - a. North could no longer afford Reconstruction
 - b. Drew national attention away from Reconstruction

The End & Lasting Legacy of Reconstruction

1. Election of 1876 – A Second Corrupt Bargain?
2. Rutherford B. Hayes (R) v. Samuel Tilden (D)
3. Outcome
 - a. Tilden wins popular vote by 250,000
 - b. Tilden led Electoral vote 184 to 165
 - c. needed 185 to win
 - d. 20 votes were in dispute
 - e. Tilden only needed one of the twenty votes to win
 - f. If Hayes received all twenty he would win
4. Committee Created to determine Outcome of 20 Electoral Votes
 - a. Republicans and 7 Democrats
 - b. Ended up cutting a deal
 - c. Hayes gets the votes and the Presidency
 - d. Had the election been honest Tilden would have won
5. The Deal
 - a. Military forces had to leave South - **ending Reconstruction**
 - b. Federal Gov't had to build a railroad from Texas to California
 - c. Give South building money
 - d. Waterway improvements
 - e. Conservative in the Cabinet
6. The South Shall Rise Again
 - a. Many white Southerners felt that Reconstruction was more painful than the war itself
 - b. Conservative Democrats regain control of the South
 - c. During Reconstruction, the Republican Party wanted to protect the freed slaves and to promote the fortunes of the Republican Party
 - d. These principles removed the party from the South for nearly 100 years
 - e. Despite good intentions by the Republicans, Reconstruction did not really change the way that the South treated or viewed blacks
 - f. Dems Pass Restrictive Laws on Freedmen
 - g. *Literacy Tests* - The democrats passed voter qualification laws that mandated that a person had to read in order to vote. Most Blacks were asked to read the constitution. Considering that most had been slaves, and

were uneducated, they could not pass the test. This took away the rights of blacks to vote.

- h. *Poll Taxes* - The democrats passed voter qualification laws that mandated that a person had to pay a two dollar tax in order to vote. This was a lot of money for a newly freed slave and most could not afford it.
 - i. *Grandfather clause* - The democrats passed voter qualification laws that mandated that a person could only vote if their grandfather had been eligible to vote and had been a citizen. Since most slaves' grandfathers had also been slaves they did not qualify to vote under these laws.
 - j. Jim Crow Laws - These were laws passed to separate Blacks from Whites
7. Exodusters - Blacks leaving the South for West & Midwest

Seward's Folly (1867)

1. Secretary of State William Seward
2. Signed a treaty with Russia
3. Gave Alaska to the United States for \$7.2 million.
4. Russia sold Alaska to the U.S. because
 - a. it felt that it was over-expanded in North America
 - b. also wanted to strengthen the US as a barrier against its enemy, Britain
5. Some Americans supported the purchase of Alaska because Russia supported them during the Civil War
6. Some did not support this purchase and referred to it as Seward's Folly