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# Reconstruction: A Concise History

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# Reconstruction: A Concise History

## **Description**

The era known as Reconstruction is one of the unhappiest times in American history. It succeeded in reuniting the nation politically after the Civil War but in little else. Conflict shifted from the battlefield to the Capitol as Congress warred with President Andrew Johnson over just what to do with the South. Johnson's plan of Presidential Reconstruction, which was sympathetic to the former Confederacy and allowed repressive measures such as the "black codes," would ultimately lead to his impeachment and the institution of Radical Reconstruction. While Reconstruction saw the ratification of the 14th and 15th Amendments, expanding the rights and suffrage of African Americans, it largely failed to chart a progressive course for race relations after the abolition of slavery and the rise of Jim Crow. It also struggled to manage the Southern resistance towards a Northern free-labor economy. However, these failures cannot obscure a number of accomplishments with long-term consequences for American life, among them the Civil Rights Act, the election of the first African American representatives to Congress, and the avoidance of renewed civil war. Reconstruction suffered from poor leadership and uncertainty of direction, but it also laid the groundwork for renewed struggles for racial equality during the civil rights movement.

In this concise history, award-winning historian Allen C. Guelzo delves into the constitutional, political, and social issues behind Reconstruction to provide a lucid and original account of a historical moment that left an indelible mark on the American social fabric.

## **Keywords**

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# Reconstruction

*A Concise History*

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## Introduction

The era in US history known as Reconstruction forms a sort of coda to the traumatic years of the American Civil War, which lasted from 1861 to 1865. It embraces the twelve years of active effort to rebuild and reconstitute the American Union after the attempt by the Confederate States of America to secede from it, and in some sense (because it had no official starting or ending date) it spluttered on well into the 1890s.

But Reconstruction can also reasonably be characterized as the ugly duckling of American history. The twelve years that are the conventional designation of the Reconstruction period, from 1865 to 1877, teem with associations and developments that seem regrettable, if not simply baleful. They left a long legacy of bitterness, especially among Southerners who believed that they had fought an honorable war and were handed a dishonorable peace, as well as Southerners who refused to accept defeat and manufactured the myth of a glorious “Lost Cause” to justify themselves and their continuing belief in the rightness of the Confederate project. Reconstruction also coincided with an eruption of notorious levels of graft, corruption, and fraud in American civil governments—not least in the ones erected by federal force in the former rebel states. But Reconstruction is probably best known, and least liked, as the greatest missed opportunity Americans ever had to erase the treacherous impact of slavery and race in a reconstructed and unified nation. There is, in other words, something in Reconstruction for nearly every American to regret.<sup>1</sup>

The term “reconstruction” actually surfaced even before the Civil War began in 1861, although in its first form it was a way of describing how the Constitution would have to be amended in order to accommodate the demands of the Southern states and head off their secession. “Sooner or later,” predicted New York Democratic financier August Belmont, there must be “a national convention for the reconstruction of one government over all the States.”<sup>2</sup> The term resurfaced in 1862, this time to describe the pacification policies that the federal government might deploy once the Union armies had suppressed the Confederate rebellion. Articulating these policies turned out to be no easy matter. Abraham Lincoln, the president whose inauguration had triggered Southern secession in the first place, was never at ease using the word “reconstruction”—he qualified it with add-ons like “what is called reconstruction” or “a plan of reconstruction (as the phrase goes)” —and preferred to speak of the “re-inauguration of the national authority” or the need to “re-inaugurate loyal state governments.”

But use it Lincoln did, however grudgingly, and he built all of his assumptions about the shape of Reconstruction on one single presupposition: the constitutional impossibility of secession. The Constitution granted no right to the states to secede; ergo, the Southern states had never really left the Union, and the so-called Confederate States were really only insurrectionary regimes. “I hold, that in contemplation of universal law, and of the Constitution, the Union of these States is perpetual,” Lincoln said in his first inaugural address.<sup>3</sup> On that basis, he sanctioned the creation of a Unionist Virginia government-in-exile and installed temporary “military governors” in areas of Tennessee, North Carolina, and Arkansas, who proposed to carry on the usual functions of state government as though secession (and the secessionists) had never existed.

But whatever the legal and constitutional arguments, the Confederacy did not look at all like a mere insurrection, like the Whiskey Rebellion or the Dorr Rebellion. It comprised eleven contiguous states, with a population of more than nine million

(Belgium, by comparison, had a population of less than five million, Scandinavia eighteen million), and it created a new government larger than most European nation-states, along with armies to defend it. The “leaders of the South have made an army, and they have made what is more, they have made a nation,” declared William Ewart Gladstone, the United Kingdom’s chancellor of the exchequer.

Ironically, Gladstone’s view was echoed by several of the most fervent members of Lincoln’s own party, the Republicans. They had become known as “radicals” from the outset of the war, and though the term described only about half of the Senate’s Republicans, and slightly more than that in the House of Representatives, they were unapologetic in asserting that the Confederate states had lost all title to statehood by seceding.

What had really happened when the Southern states seceded, Massachusetts senator Charles Sumner countered, was “State suicide or State forfeiture or State abdication.” Whatever the name, secession had converted the old Southern states into something less than what they had been. What was more, it was the prerogative of Congress, not the president, to define that status and create the policies which control any ideas of reconstructing the Union. Thaddeus Stevens, Sumner’s counterpart in the House of Representatives, wanted to go even further: “We propose to confiscate all the estates of every rebel belligerent whose estate was worth \$10,000, or whose land exceeded two hundred acres in quantity.” As for the Confederate leadership—and “how many captive enemies it would be proper to execute, as an example to nations”—Stevens would bleakly “leave others to judge.”<sup>4</sup>

Lincoln, however, wanted no part of such a draconian reconstruction. For one thing, it was tantamount to conceding that the Confederates had been correct all along in claiming a right to withdraw from the Union. Lincoln laid out his first detailed strategy for “Amnesty and Reconstruction” in December 1863. He proposed to grant full pardons “with restoration of all rights of property, except as to slaves” to any inhabitants of Southern states reoccupied by federal

military forces upon taking an oath of future loyalty (and keeping "said oath inviolate"). There were several categories of exceptions to this opportunity: "civil or diplomatic agents" of the Confederacy, military and naval officers, and those who had mistreated Union prisoners of war. But the purpose behind this apparent generosity was really political, because this strategy would grant Lincoln the authority to "re-establish a State government" as soon as the oath-takers numbered just 10 percent of the 1860 voting population in each state—while also ensuring that the "reinaugurated" state governments abolished slavery.<sup>5</sup>

Many Republicans applauded Lincoln's plan as "glorious" and saw it as an enticement to Southerners not only to end the rebellion but to abandon slavery as well. "The President," wrote Ohio Republican James A. Garfield, "has struck a great blow for the country and himself." But so broad an offer infuriated Stevens and Sumner, who interpreted this approach to mean that traitors were being invited back into the Union with full privileges and with only one significant punishment, and by a president who meant to sideline Congress in overseeing the process. Opposition to Lincoln's plan within Congress (and within Lincoln's own party) was spearheaded by Ohio Senator Benjamin Wade and Maryland Congressman Henry Winter Davis, who designed a Reconstruction plan of their own: first, the required number of oath-takers was increased from 10 to 50 percent; then, a civilian provisional governor would be appointed, and the eligible voters would elect a state convention to write a new state constitution that would ban slavery and forbid rebel officers from serving in the legislature or as governor. Only then could these states resume their proper place in the Union and send representatives and senators to Congress. "Until majorities can be found loyal and trustworthy for state government," declared Wade, the South "must be governed by a stronger hand" than either Lincoln or its own repentant Unionists.<sup>6</sup>

Lincoln scoffed at the Wade-Davis plan, and at the criticisms of his own plan, as tantamount to conceding that "states whenever they

please may of their own motion dissolve their connection with the Union," the very constitutional issue that began the war. Moreover, Reconstruction was an executive branch responsibility, just as managing the war had been; Congress had nothing to do with it, any more than it had the authority to trespass on his military authority as commander in chief. (Lincoln said nothing about the role of the federal judiciary, which had been mostly silent during the war, but the judicial branch would soon seek to join the debate, too). So, although Lincoln protested that he was not "inflexibly committed to any single plan of restoration," he pocket-vetoed the Wade-Davis plan on July 8, 1864. Congressional Republicans made an effort to mollify Lincoln later that year when the House of Representatives' Committee on the Rebellious States (chaired by Henry Winter Davis) produced a Reconstruction bill that left open a shared role for the president and Congress in the process of Reconstruction. But in February 1865, opposition from uncooperative Democrats and unappeased Radical Republicans tabled it.<sup>7</sup>

Not that Lincoln's own schemes for Reconstructing the Confederacy had shone with any success. When Union forces overran eastern North Carolina in the spring of 1862, Lincoln appointed Edward Stanly, a North Carolina Unionist, as "military governor" of North Carolina, and urged him to arrange the election of a Unionist member of Congress in the occupied zone. But Stanly could recruit only 864 voters for the election, and the House of Representatives refused to seat Stanly's candidate. Stanly was also at odds with Lincoln about the Emancipation Proclamation, and on January 15, 1863, Stanly resigned. Lincoln did not appoint a successor.

This inauspicious beginning was followed by another failure. Union forces recaptured more than half of Arkansas in 1862, and on July 19 of that year, Lincoln appointed John S. Phelps as military governor. A state constitutional convention met in Little Rock in January 1864 and elected Isaac Murphy as provisional governor. But the two senators and three congressmen they elected were also refused seats in Congress. The same pattern, with still more

embarrassing developments, repeated itself in Louisiana. A military governor, George Shepley, was appointed by Lincoln for Louisiana after the US Navy captured New Orleans in April, 1862, and Lincoln urged him to organize congressional elections without waiting for a new state constitution.

The two congressmen elected under Shepley's oversight on December 3, 1862, managed to persuade Congress to seat them. But after a Unionist state convention wrote a free-state constitution for Louisiana in 1864, the two senators elected by the Louisiana legislature were blocked from their seats by the Senate Judiciary Committee "till by some joint action of both Houses there shall be some recognition of an existing State government acting in harmony with the government of the United States." One of Lincoln's military governors, Andrew J. Hamilton, never even set foot in his home state of Texas. Only Andrew Johnson, the lone US senator from a seceding state to remain loyal to the Union, enjoyed any kind of success after Lincoln appointed him military governor of Tennessee, and even then, Johnson did not convene a new state constitutional convention until January 1865. This did not look much like the reconstruction of anything.<sup>8</sup>

A second fundamental problem was the future status of the freed slaves. Not a single one of the haphazard experiments in Reconstruction conducted before the end of the war had specified what the future status of the freedpeople would be. Were they now supposed to sign contracts and be paid for their labor? Who would guarantee that the contracts would not turn out to be simply a newer version of bondage? Should provision be made out of the public purse to educate them? Should they be considered citizens, and entitled to all the "privileges and immunities" guaranteed to citizens by Article 4, section 2, of the Constitution? And what were those "privileges and immunities" anyway? Office-holding, jury service, bearing witness in court, voting, election to office?

One thing was politically certain: on the day slavery was abolished, the Constitutional rules on representation in the House of

Representatives would undergo a complete change. The so-called three-fifths rule in the Constitution (which had prevented slaveholding states from counting more than three-fifths of their enslaved population as part of their total population in order to determine the number of representatives each slave state could send to Congress) would disappear, and going forward, every freed slave would be counted as a full person—yet without any right to vote. It was not beyond the realm of possibility that the defeated Southern states might send back to a postwar Congress, not only the same number of representatives they had been able to send before the eruption of war, but an additional thirteen representatives (by Thaddeus Stevens's reckoning) beyond what they had once elected.<sup>9</sup> This unlooked-for increase in Southern representatives, if it was elected only by white Southern votes, would likely be composed entirely of old Southern Democrats who would find common cause with their old Northern Democratic allies. Together, they could put a swift end to the Republicans' wartime control of Congress and enable Congress to pass legislation repealing the Republicans' wartime domestic achievements (such as protective tariffs, government assistance to the railroads, the Homestead Act, and the national banking system), while burdening the US Treasury with the Confederacy's wartime debts.<sup>10</sup> The idea of enfranchising the freed slaves would disappear entirely as a political possibility.

For that reason, Charles Sumner made a final desperate attempt to assert that "there can be no power under the Constitution to disenfranchise loyal people . . . especially when it may hand over the loyal majority to the government of the disloyal minority." Lincoln signaled that he understood this in his last speech, on April 11, 1865. He simultaneously chided Congress for refusing to admit the Louisiana senators, and urged the Louisiana Unionists to reconsider granting at least limited black voting rights by "extending the vote to the very intelligent, and . . . those who serve our cause as soldiers." They, at least, would be reliable safeguards for "the jewel of liberty." Beyond that, however, beckoned a future he described

in Richmond on April 4 as one in which free black Americans “shall have all the rights which God has given to every other free citizen of this republic.” As for the Confederates, he instinctively erred on the side of “malice toward none.” He urged his generals to “let them have their horses to plow with, and, if you like, their guns to shoot crows with.” He “wanted no one punished; treat them liberally all round,” which he believed was the only way to get “those people to return to their allegiance to the Union and submit to the laws.”<sup>11</sup> Whatever else might have been contained in that strategy disappeared with Lincoln’s assassination three days after his last speech.

One of the most-asked questions in American history must surely be, what would have happened in the Reconstruction era if Lincoln had lived? Lincoln was such a private person, and so tight-lipped a politician, that it is impossible to project what further plans he would have developed. And, if he had obeyed the unspoken two-term rule for occupying the presidency, he would only have been in office until March 1869, which is not a substantial period in which to effect something as momentous as Reconstruction. Nor were there any generally received models to guide Lincoln in such a process—or, indeed, anyone else throughout history who had faced a similar dilemma. The Roman civil wars divided on postwar policy, with Sulla crushing his surviving rivals with an iron fist, but with Pompey and Caesar opting for clemency and reconciliation. Henri IV brought an end to the strife of the sixteenth-century French Wars of Religion because he could advertise himself as an outsider, willing to conciliate all parties and eager to bring peace and prosperity to all. But across the English Channel, the restored monarchy of Charles II abandoned any notion of reconciliation, and hanged, drew, and quartered even the corpse of Oliver Cromwell, not to mention his living supporters. Closer in time to Reconstruction, the Taiping Rebellion in China was suppressed in 1864 in an orgy of massacres. Had Reconstruction been planned according to the Sulla, Stuart, or Taiping scripts, then proscription, trials, and executions might have continued for another generation.

But instead, American Reconstruction wears the garb of improvisation, uncertainty, and experiment—which historians have difficulty containing within narratives that thrive on direction, purpose, and determinism. The first non-participant historians of Reconstruction, James Ford Rhodes and William Archibald Dunning of Columbia University, bore down harshly on Reconstruction's missteps, largely because both were Democrats politically and had little sympathy for a Republican program. Although Rhodes and Dunning professed a kind of objective relativism, refusing to offer judgments on the faults or virtues of Reconstruction, the faults they found were usually with Republicans and the virtues Democratic.<sup>12</sup> As a Progressive, Dunning (and those who followed in his train: Ulrich B. Phillips, J. G. Hamilton, Walter L. Fleming, Charles Ramsdell, and Merton Coulter) was suspicious of the follies and inefficiencies of democracy when spread too broadly. In his mind, Reconstruction brought not democracy to the South but mob rule and to Washington, nothing but vindictiveness and plunder.<sup>13</sup>

Criticism of the Dunning School made its first appearance in the 1930s, beginning with the attacks launched at the Dunningites by William Edward Burghardt Du Bois in *Black Reconstruction* (1935) and James S. Allen in *Reconstruction: The Battle for Democracy* (1937). Reconstruction might not have been a proud achievement, but, Du Bois objected, Reconstruction led directly “to democratic government and the labor movement today.” Allen agreed: “The destruction of the slave power was the basis for real national unity and the further development of capitalism, which would produce conditions most favorable for the growth of the labor movement.”<sup>14</sup>

Unhappily, neither Du Bois nor Allen possessed a broad platform from which to rally a countermovement, partly because of Du Bois's imperious self-isolation and Allen's identification with the Communist Party. It would not be until the 1960s, after the emergence of the civil rights movement as a “second Reconstruction,” that the idols of the Dunning School began to fall. John Hope Franklin's *Reconstruction after the Civil War* (1961) and Kenneth Stampp's *The*

*Era of Reconstruction, 1865–77* (1965) started the trend, to be followed by John and LaWanda Cox, George Bentley, Richard Current, Allen W. Trelease, Herman Belz, and finally by Eric Foner's massive *Reconstruction: America's Unfinished Revolution, 1863–1877* (1988).

Noble as their intentions were, the anti-Dunningites had their foibles, too. Du Bois and Allen were both writing from self-consciously Marxist frameworks that forbade any other understanding of Reconstruction but through class and revolution, with race sometimes deployed as a surrogate for class. "The emancipation of man is the emancipation of labor," Du Bois wrote, "and the emancipation of labor is the freeing of that basic majority of workers who are yellow, brown and black." Thus, Reconstruction should have been the moment when working-class blacks and whites together had an opportunity to create a new American economic and political order, only to have it yanked away by a nervous white Northern bourgeoisie who preferred making peace with the defeated Confederates to licensing a genuinely radical, biracial workers' movement.

Reconstruction was, in other words, seen as a typical bourgeois-democratic revolution, not unlike the initial phase of the French Revolution in 1789 or the liberal democratic revolutions across Europe in 1848. Like those uprisings, it pitted a capitalist, middle-class bourgeoisie over a slaveholding aristocracy, with the former striking up alliances with peasants on the land and workers in the tenements to overthrow the rule of the planter elite. This newly empowered bourgeoisie derived their authority, first, as the Southern Unionist allies of Union military victory, and second as the owners of capital and the possessors of professional and commercial income (rather than birthright or status). Alas, bourgeois revolutions frighten their own architects, who quickly come to see that in encouraging peasants and workers, they have created a Frankenstein monster that has no more respect for the bourgeoisie than it had for the aristocrats.

At that moment, "the bourgeoisie," wrote Lenin, "strives to put an end to the bourgeois revolution halfway from its destination, when freedom has been only half won, by a deal with the old authorities

and the landlords." They strive "to reach a tacit pact with the old-landed aristocracy in order to preserve their power."<sup>15</sup> But the genie cannot be stuffed back into the bottle; it is only stunned, and in time it will reawaken with renewed strength as the guide and leader of the socialist revolution, and finish off industrial capitalism, just as the bourgeoisie finished off the aristocrats. Du Bois in particular bears the impress of this notion of Reconstruction as a bourgeois revolution, for in Du Bois's telling, Reconstruction's "vision of democracy across racial lines" was undone by a "counterrevolution of property."

The principal difficulty with such a conventional Marxist narrative is that neither the Civil War nor Reconstruction fit neatly into it. Both the Civil War and Reconstruction belong to a chapter in American history in which the United States was still an overwhelmingly agricultural economy, and the contest that was waged between 1861 and 1865 was largely an argument (in economic terms) between the free-labor family farm and the slave-labor cotton plantation.<sup>16</sup>

Nor is there any evidence that the victorious Republicans who attempted to build a bourgeois South among the ruins of the old plantation order ever panicked at the prospect of empowering blacks or poor whites, or betrayed them by establishing a self-protecting alliance with the dethroned aristocrats. And the freedpeople hardly experienced a taste of Marxist alienation; they instead experienced bourgeois frustration at their exclusion from material accumulation and democratic and judicial process, and that was how they articulated it. If Reconstruction was indeed a bourgeois revolution, it was a *pure* bourgeois revolution—a self-contained revolutionary event outside the boundaries of Marxist theory. And if it failed, it was not because it sold out, but because it was overthrown by the resurgent political power of a bloodied but unbowed aristocracy.

It was also easy, in the midst of so many shortcomings and failures in Reconstruction, for the anti-Dunningites to overlook four important ways in which Reconstruction actually succeeded:

- Reconstruction restored a federal Union, for which the North had been fighting from the start, and corrected the

centrifugal forces of the American federal Union that had brought on the war in the first place.

- Reconstruction followed the route of generosity—it created no conquered provinces, no mass executions for treason. As Walt Whitman wrote, almost in self-congratulation, Reconstruction “has been paralleled nowhere in the world—in any other country on the globe the whole batch of the Confederate leaders would have had their heads cut off.” Ironically, most of the violence that pockmarked Reconstruction was inflicted on the victors, not the vanquished.<sup>17</sup>
- The freedpeople made only modest economic gains in moving out of the shadow of slavery into freedom and self-ownership. But there were still beachheads for black Southerners all across the South in terms of property ownership and embourgeoisment, which would form the soil out of which the civil rights movement would flourish eighty years later.
- In the same fashion, Reconstruction established, beyond a doubt, the legal equality of all Americans under the banner of citizenship. Much of that equality was compromised by racial prejudice, vigilante violence, and the twisting of law. But it was not extinguished, and the Reconstruction-era amendments to the Constitution (the Thirteenth, Fourteenth, and Fifteenth) have together formed the last on which injustice, racial prejudice, and inequality have repeatedly been hammered down.

Not everything that should have been gained was gained in Reconstruction; but not everything was lost, either.

Historical writing on Reconstruction has expanded exponentially since the 1960s, pushing the boundaries of Reconstruction historiography into new subfields of time, labor, geography, gender, family, and economics. The American West has increasingly become part of

the Reconstruction schema, starting with the military subjugation of the Plains Indian tribes, but increasingly reaching to include the challenge posed to an American Protestant culture by the Mormon colony of Utah and the racial triangle formed by Cherokee slavery and segregation.<sup>18</sup> There is now a greater sense of the continuity of Reconstruction backward to the war years (as in, for example, connecting the activities of Civil War guerrillas with the postwar insurgency of the Ku Klux Klan) and forward to the civil rights movement of the 1960s. Studies of the experience of veterans, both Northern and Southern, in Reconstruction have only just begun to come to the fore, as have also inquiries into how, with a certain postmodern twist, Reconstruction influenced the memory of the Civil War and, in addition, generated its own historical memory. Even the conventional chronology of Reconstruction has been reworked, so that in some cases the starting point has been pushed back well into the Civil War years, and in others substantially far forward, to the beginning of Jim Crow segregation in the 1890s. For the purposes here, it will be easiest if Reconstruction is thought of as four discrete movements:

- Early Reconstruction, from the first of Lincoln's experiments in 1862 until the announcement of Andrew Johnson's appointment of provisional governors for the Southern states in 1865;
- Presidential (or executive) Reconstruction, covering the short-lived Johnson governments, from mid-1865 to the passage of the Congressional Reconstruction Acts in 1867, which attempted to curtail the liberties of the freed slaves and return ex-Confederates to Washington as members of Congress;
- Congressional Reconstruction, which begins with the Reconstruction Acts and concludes with the readmission, under the terms of those statutes, of the last of the one-time Confederate states to representation in Congress in 1870, during which time the Fourteenth and Fifteenth

Amendments to the Constitution empowered the emergence of a black political leadership class; and

- Overthrow of Reconstruction, from 1870, when the first white Democratic regimes were elected to “redeem” the southern states from Republican control, until 1877, when the last Southern Republican governments, in South Carolina and Louisiana, were extinguished.

One may also speak of an “Aftermath” of Reconstruction, from 1877 until 1896, to include the increasingly oppressive nature of the “Redeemer” regimes, the capture of both houses of Congress and the executive branch by Democrats in 1893, and the disastrous decision in the case of *Plessy v. Ferguson* to give federal countenance to racial segregation. Some of these categories are porous; Virginia, for instance, was readmitted under the Reconstruction Acts in 1870, but had already returned the Democratic party to effective power four months before, only to witness the rise of a “Readjuster” movement in the 1880s which fused black Republicans and moderate Democrats; and Tennessee was never included in the Reconstruction Acts and was readmitted to Congress in 1866—but they will serve as a general timeline.

Awareness of the increasing varieties of Reconstruction interpretation will not prevent *Reconstruction: A Concise History* from committing some offenses, mostly in the interest of remaining short. Extensive explorations of gender, family, veterans, philosophy, literature—all of them, unhappily, are beyond the scope of a series whose volumes, to be fair, are intended to each offer but a brief introduction to the topic at hand. This small offering will attempt no more than to fashion a basic scaffolding for understanding Reconstruction, leaving the vaster structures of elaboration and interpretation to improvised *ad libitum*.