

WAGING PEACE: RECONSTRUCTION AND THE NEW SOUTH 1866-1905

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I. THE SCRAMBLE FOR THE SPOILS

PREFACE: After the war ends . . .

It depends on where you live . . .

If you live in the North, then this is just one more chapter of US History you have to endure. If you live in the trans-Mississippi West, then this should interest you because it led to your becoming more important than you might have otherwise been, a land of mass migration, fortunes made and lost, and the final days of free ranging Native Americans. If you live in the Upper South, this represented the culmination of the Civil War, but didn't affect you in the long run, as you had your own post-war agenda. However . . . if you live in the Deep South, including Texas . . . this period known as "Reconstruction" was dirty and tragic and defined you for years. In some areas its effects still exist.

It depends on who you are . . .

If you were a Native American, well, the end of the Civil War revealed that your days are numbered, and Reconstruction only exacerbated your demise. You fought heroically; you died tragically, many times victims of unholy atrocities. But make no mistake, the long run from 1607 had exhausted its course, and your day had come to an inglorious end. If you were an immigrant, Reconstruction opened America's Golden Door to receive Europe's "tired, poor, huddled masses yearning to be free." It wasn't completely easy, but this was your time. Most importantly, if you were African American, well, suffice it to say that Reconstruction, particularly the years following Reconstruction, were as close as you have come an absolute hell on earth, and after the horrid experience of slavery, that's saying something. It was that bad.

INTRODUCTION

There are **two guiding parameters** which you MUST bear in mind throughout this reading; they are the entire point of the Reconstruction Period 1863-1876.

1. First of all, consider the myriad of constitutional issues emanating from a war whose cause had murky, unresolved constitutional underpinnings. **Could the Constitution effectively guide any reconstruction program? To what extent was strict versus loose interpretation still applicable?**
2. If America had sparred with the effects of faction before, it was an all-out brawl now. Never in American history had Madison's warning in Fed 10 been so applicable; never before had it been so completely ignored. Consequently, **notice how the Republican and Democratic Parties evolve and devolve throughout this period;** Reconstruction is as much about this dynamic as it is about anything else.

When considering both parameters, the primary considerations behind each are two-fold and present **constitutional dilemmas**.

First, upon what criteria would the Confederate states be allowed to re-join the Union? There were constitutional allowances for neither secession nor readmission; likewise there existed no Supreme Court decisions from which to derive precedent. Therefore . . . what to do with the rebel states?

Secondly, what social and political status would be conferred upon the freed slaves, also known as Freedmen? If total emancipation were to be enacted after the cessation of hostilities what was the United States' government's role in accommodating four million human beings who were, by virtue of *Dred Scott v Sandford*, pieces of property? *Dred Scott* did provide legal precedence (in fact, the ONLY legal precedence), but the contradictory notion of emancipating personal property would obviously entail some constitutional, uh, adjustment (starting to smell loose interpretation here?). In addition, there was the hovering specter of **colonization**, a determinate favored by Free Soilers as well as Abraham Lincoln; they knew EXCATLY how they wanted to accommodate the freed slaves (remember: Lincoln's Preliminary Emancipation Proclamation carried within it a precondition of colonization before any slaves were freed). Even though the pretense for funding of federally-sponsored emigration brought back memories of Henry Clay's attempts at colonization in the 1820s and 1830s through taxation (and we know how that turned out) under Lincoln the federal budget for emigration and subsequent colonization topped \$600,000.00.

If you were a Freedman, that's not the worst of it; even your best post-war dreams harbored severe dire consequences. A situation even more daunting arose if colonization was rejected and the four million former slaves not only remained in the United States, but had citizenship conferred upon them as well. This is, of course, what every Freedman dreamed, but for the victorious North, the dilemma remained: what do you do with four million illiterate persons supported by no social substructure, possessing minimal if any marketable skills, and despised not only by the inhabitants of the only area in which they had any previous work experience, but in the industrial Northern workforce as well? Jeez, how can these people possibly survive?

Young padawans, these are MAJOR issues that deserved serious contemplation the minute Lincoln announced his Emancipation Proclamation, but as we will see they fell to the bottom of the priority list for **two primary reasons**. First, Lincoln, by virtue of his (arguably) somewhat unrealistic objectives, was losing his war . . . and political support . . . in 1863; understandably, and with his re-election at stake in 1864, **victory over the Confederacy had to remain Job One**. However, the second reason stinks, especially when you consider that the subject at hand is the fate of four million helpless people. **These people would fall victim to the ravages of political factionalism**; indeed they would be relegated to mere pawns in a political chess match played out as badly as at anytime in American history.

As strange as it may sound Abraham Lincoln's troubles with Reconstruction began the day he was elected. Although he received a resounding mandate from the northern Electoral College he was by no means the unanimous choice of either the northern popular vote or even his own party! Why? C'mon guys, you should be versed enough in human nature to know this. Lincoln's Republican Party, just like its predecessor the Federalist Party back in 1816, had fallen victim to the Madison (ie *factional*) Agenda, and was consequently splintering into destructive factions. Issues of disrespect, distrust, and overt ambition . . . particularly within Lincoln's own cabinet (should've invoked Jackson, ignored these tools, and convened his peeps in the kitchen), permeated the Republican Party throughout the war, growing to an alarming and destructive size. By the end of 1863 (and facing re-election in 1864) Lincoln's moderate Free Soil faction (remember: he was the protégée of Henry Clay, the Grandmaster Flash of Antebellum Moderates) faced the possibility of running not only against the Peace Democrats in Congress (the so-called "**Copperheads**")¹ but also a conservative faction of pro-abolition **Radical Republicans**, led by Charles Sumner (he of caning fame), Thaddeus Stevens, Benjamin Wade, Henry Davis, Benjamin Butler, and Edwin Stanton. This collection of cabinet members (Sumner and Stanton), congressmen (Stevens, Davis, Wade), and political opportunists (Butler) were fueled by Frederick Douglass and other assorted abolitionists who were incensed that the Emancipation Proclamation was such an obvious political and foreign policy tool that it did not adequately address their primary concern: **freeing the slaves and ensuring racial equality through citizenship and suffrage**. OK, the BIG question: were these Radical politicians truly moral crusaders who simply sought to cleanse America of the stench of

slavery and insure equality and justice for all? You know better than that. The Radical Republicans sought several ends to the means of total and complete emancipation.

First of all, after the Emancipation Proclamation many northerners, moderates who had delivered 40% of the northern popular vote to Lincoln in 1860, had emphatically signaled their opposition to fighting and dying in horrific numbers a war whose primary purpose had now shifted from one of Union to one of freedom for blacks.² To shore up support for freed slaves the Radicals sought to use their freedom to offset northern protests (some violent as in the New York Draft Riots of 1863, remember *Gangs of New York?*) by enlisting them in the army to alleviate the number of white deaths.³ This, along with the **contract labor system** of enlisting fresh Irish immigrants proved gruesomely fortuitous as the Union death rates skyrocketed after Ulysses S Grant's ascendance to command in early 1864. **Secondly**, the Radicals attacked the heart of the Southern economy by passing a series of **Confiscation Acts**, intended to embellish the Emancipation Proclamation by rewarding *escaped* (not emancipated) slaves in the still-rebellious states with enlistment in the Union Army, a move designed to diminish cotton as the end all be all of the Southern economy by removing the plantation's source of free labor. In this way the South would have to get used to more modern modes (ie paid) labor, which would eventually lead to a more balanced industry-agrarian post-war economy. A **third** intention was simply revenge; the Radicals sought to blunt Lincoln's plans for colonization of freed blacks; by establishing congressional control of emancipation they could **refuse funding for any colonization** plan and consequently refuse to kill any bill which did not include total equality as a precursor for freedom. Lincoln's not stupid; he knew of these motives all along, so he consequently bypassed Congress with his Proclamation (an executive order, NOT a Congressional bill), leaving the Radicals embarrassed, humiliated, and, uh, perturbed (to put it mildly). There is a forth, even greater reason, but it is soooooo much fun to examine (really, it is!) I am going to leave it for Page Six. [TEACHER NOTE: Some of you who actually stay awake in class, listen, and have consequently developed analytical minds with which you can navigate the deeper currents of history may already have an inkling of this; the rest of you . . . REALITY CHECK: effort, or lack of, is its own reward, live in a world of mediocrity and you'll be mediocre. Your call.] In any event, I am going to invoke my EEP (Educator's Executive Privilege), assume butthole mode, and make you wait.

As a result of all of this political maneuvering Lincoln faced a formidable opponent in his dysfunctional Congress on all issues, but especially concerning the question of **what to do with the Confederacy after the war**. See, Radical Republicans were still smarting from the presidential slight of the Emancipation Proclamation; consequently they dedicated themselves to the proposition that under no circumstances would good ol' Abe be allowed to claim the right to guide the Reconstruction of the Union; nope, ain't gonna happen. Lincoln, on the other hand and for his own reasons (remember: he's a Free Soiler), vowed that he would do just that . . . I mean, look at it from his perspective: he "freed" the slaves, opened the West, connected the coasts with the granddaddy of all internal improvements, HOPEFULLY will win the war . . . yep, Ol' Abe was a multitasking fool. Consider the conviction of the Radicals, however, and we have ourselves a UFC cage match: brutal.

It would probably help to take a moment and define exactly what each faction (Lincoln and the Radical Republicans) wanted out of Reconstruction. Warning: Pay attention; lots of precedents being formed here that you'll hear about for months. Its powerful stuff.

DRAWING THE LINES OF BATTLE

Presidential Reconstruction: Lincoln wanted a **peaceful, non-punitive process** by which the country could reunite and get back to the business of being America. You know this: Lincoln was a Hamiltonian in the Henry Clay mold who wanted to guarantee domestic peace and harmony by colonizing the freed slaves, foster a growing national (ie industrial) economy through implementation of the American System, and modernize the South by introducing the wonderful world of industry using the former Southern cavalier caste as the guiding spirit of the New South. In short, **Lincoln's plan had an economic base**, one that had the ghost of Hamilton

crying tears of joy, Jefferson pouting and pitching a hissy-fit, and Jackson . . . well, Jackson just wants to duel. Hmm . . . I wonder if he ever hooked up with Hamilton; I understand ol' Alex has had experience at dodging (or NOT dodging) bullets . . . I tell ya, the American political afterlife must be a hoot and a half!

Congressional Reconstruction: The Radicals, on the other hand, based their plans for Reconstruction on a **social and political base**. They envisioned **sweeping transformation of Southern society** from one of Cavalier (ie Democratic) control to one of racial (ie Republican) equity and cooperation, something that could only come by (a) imposing **punitive Reconstruction measures** on recalcitrant rebels and consequently forcing them to accept both defeat and racial equality, and (b) guaranteeing that the freed slaves (and potential Republicans) would enjoy total equality and opportunity *in America*, not some Central American or African colony. Don't get me wrong, the Radical Republicans were die-hard capitalists, as were the pre-war southern planters. The difference? **Power:** total, complete, raw, corruptive power. The Radicals sought to defeat attempts by the old cavalier planter class to reestablish itself in the South (a process known as **"Home Rule"**) through politically empowering the freed slaves with the vote. Consequently, the Racial vision for the post-war South would be a mirror image of northern-style small-scale capitalism that would destroy the plantation caste system. Upon completion of this ideal, tell me: who has the power? Well, not the traditional old school Republicans of Jeffersonian fame, and certainly not their evolutionary cousins, the Jacksonian Democrats; therein lies the motive. Smart, huh?

LET'S RUMBLE!

In This Corner: The President of the United States: In late 1863 Lincoln, riding on what little momentum he gained from the Emancipation, took the lead in this brewing battle, thumbing his nose at the Radicals by appealing to southern states that were wavering on the edge of rejoining the Union with his plan of Presidential Reconstruction. The **provisions of Presidential Reconstruction were:**

- Any state in rebellion against the United States could rejoin the Union when **10%** of its pre-war voters took an oath of allegiance to the US Constitution.
- By virtue of this oath these former Confederates would receive a presidential pardon for treason against the United States and be welcomed back as prodigal sons. No harm, no foul.
- No Confederate officer or governmental official would be eligible for this pardon.
- Those pardoned had to swear to abide by any emancipation laws.

In his last comments defending his Reconstruction plan Lincoln reasserted his assessment of the Confederacy (which, by the way, tended to change whenever the assessment fit Abe's particular agenda) that **the Southern states had never left the Union in the first place;** that they were simply "out of their proper and practical relation with the Union" and that his Reconstruction plan was designed to "get them back into their practical and proper relation."⁴ Lincoln's plan for the Reconstruction of the South was known as the **"10% Plan,"** due to its demand that only 10% of pre-war voters had to pledge allegiance to the Union.

Re: The "What Do You Do With Them?" Dilemma: The Freedman's Bureau. In addition, Lincoln proposed (and Congress passed) America's first experiment with social welfare, the **Freedman's Bureau**. The Bureau was **originally designed** to address the growing number of contraband (runaway) slaves which flooded Union camps and followed the Union Army throughout the South (who eventually were adopted into the Union army by way of the Confiscation Acts), but it eventually became the potential lifeblood for emancipated slaves, or Freedmen, after the war. As originally established the purpose of the Bureau was to provide clothing, shelter, food, and other basics of survival, but as the war wound down its role shifted to providing medical care, establish schools, negotiating labor contracts. However, as time wore on the Bureau was **crippled by** lack of Congressional support (there go those darned factions again), lack of funding (big surprise, huh?), post-war Southern resistance, and, disastrously, an alarming failure to grasp the depth and intensity of racial prejudice and hatred in *both* North and South. In short, the Freedman's Bureau was the ex-slaves' best friend, but the

Bureau itself had no friends . . . only bitter enemies.

For Southern states who had already quit the war (Tennessee, Arkansas, and parts of Louisiana in 1863) Lincoln's Reconstruction plan was a sweet, non-punitive deal, indeed it was the best hope for the Confederacy, the best for which they could hope. The promise of a non-punitive readmission prompted Arkansas, Louisiana, and Tennessee to form Unionist governments and apply for readmission under Lincoln's 10% Plan. However, you all know that, due to those pesky constitutional stipulations of (a) the sharing of power and (b) checks and balances, the president cannot (or *should not be able to*; times have changed, friends) do anything unless Congress allows it. Consequently, since Lincoln was at odds with the Radical faction, in an election year no less . . . well, you should have an idea as to how this is going to turn out. It's starting to get nasty; I mean a room full of agitated freshmen makes more sense. PLUS, did anyone forget there is still a war going on?

OK, GRAB A RED BULL AND COLD PIZZA, ITS CONSTITUTION TIME!!!!

DISCLAIMER: To avoid any accusations of historical naiveté I must acquiesce to the realization that, by the end of the Civil War, the Constitution of the United States was by virtue of application a mere shell of what it had been intended to be. At no time in American history was this magnificent blueprint of popular government and bedrock of the Republic been so maligned, ignored, violated, and downright trashed by those who were sworn to uphold it than during the Civil War Era (1850-1866). However, in all fairness the country had never undergone such a trial as that disastrous conflict which unleashed an epic loose interpretation onslaught on the Constitution by all concerned . . . Lincoln, Democrat Copperheads, and Radical Republicans alike; but then again, there was nothing in the Constitution to provide precedent or legal guidance in such an event. Indeed, there was simply no precedent for such an overwhelming agenda of national socio-political warfare by virtue of blatant factionalism. Man, did Madison know what he was talking about or what??!! In any event, despite intentions good or bad, no one can hide, nor shield themselves, from the judgment of history. Keep this in mind when forming your perspective; that's why this is important.

Lincoln realized his somewhat adversarial relationship with Congress, so he **justified his action** by claiming that he was acting under the constitutional allowance of the presidential pardon (which he did have) as well as the constitutional allowance that each state be guaranteed a republican form of government (which he could **ONLY** claim under a *loose interpretation*). The Radical response? "Oh, HECK no!" They countered that Lincoln's claim of the pardon allowance was bogus because (get ready) the power only applied to *persons* acting in *individual* acts against the government and not part of an ill-defined conspiracy like the Confederacy, the character of which no one had actually legally defined. Now, the Constitution doesn't stipulate this, but, once again, the Radicals employed their version of a **loose interpretation** that made everything hunky-dory for some while infuriating others . . . isn't it funny how legality sometimes takes a back seat? Furthermore, the Radicals claimed that the power to ensure each state a republican form of government was an *implied* power and *not subject to interpretation, loose or otherwise* (my italics). Huh? Never mind the fact that (a) the existence of implied powers lie behind Hamilton's *raison d'être* for the Necessary and Proper Clause, the Holy Grail of loose interpretation, in the first place, and (b) **THEY HAD JUST INVOKED THE VERY CONSTITUTIONAL TOOL THAT THEY ARE NOW DENYING**. Oh man; you can't make this stuff up; this is the stuff of which South Park episodes are written . . . see what a colossal knob you can make of yourself when you don't **LEARN YOUR HISTORY** (shameless plug)?

OK . . . SEE HOW THIS WORKS???! With regard to Lincoln, he was going all in, placing all his chips on table with his loose interpretation of presidential power as he interpreted it. The Radicals? Oh man is this COOL!! . . . in one breath they employ a loose interpretation, in the next they claim the right doesn't exist! I mean, HOW CAN YOU NOT LOVE THIS STUFF!!!!

In This Corner, the Challenger: The Radical Republicans in Congress: In any event, the Radicals refused to either recognize the states that had applied for readmission under the 10% Plan or count their votes in the 1864 Election, something that really chapped Mr. Lincoln.⁵ Furthermore, the Radicals answered Lincoln's shot across their bow with their own **Congressional Reconstruction** plan, known as the **Wade-Davis Bill**, after Senators Benjamin Wade (R-Ohio) and Henry Davis (R-MD). The Wade-Davis Bill, passed on the last day of the Congressional session to avoid having Lincoln veto it, proclaimed that:

3. A *majority* (which is a heckuva lot more than 10%) of white male citizens must declare their allegiance to the United States
4. Each state must submit a state constitution to Congress; only after Congressional (NOT presidential) approval could the state be readmitted
5. Only those individuals who could attest by virtue of an "**ironclad oath**" that they *had remained* loyal to the Union could either vote or serve in state constitutional conventions.
6. The state constitutions must abolish slavery and exclude for any future participation in state politics or civil matters any military or civilian official of the Confederacy.
7. Each state must repudiate its wartime debts.

If you look at the particulars of this plan it should become painfully clear that these stipulations were nearly impossible to meet. First of all, except perhaps in the case of a border state (Maryland, Missouri, Kentucky, Delaware), there simply did not exist more than 50% of a Confederate states' white male population that had remained loyal to the Union . . . secession records indicate the Southern secession commissioners, who were elected by their constituents to vote in state secession conventions whether or not to secede, were *overwhelmingly* elected to their posts; indeed, the Southern popular intent in this arena was clear and adamant. In other words, no Southern state could have seceded without a popular (majority) mandate. Consequently, if 50% of a states' residents claimed through this "ironclad oath" that they had remained loyal to the Union, well, don't drool on my head and tell me its raining. There's a whole lotta lyin' going on. Secondly, there was no way that any Confederate state could repay its war debt. Pay it with what? Their good looks? Confederate money was less than worthless, and the taxable base of farms, machinery, etc had been utterly destroyed by the rampaging Union army waging "total war." How could any state meet these requirements? AHA!!! That's the point: they couldn't, which **meant that the only way any state could re-enter the Union was through meticulous guidance and redirection of all facets of Southern life**. In other words, an occupation.

Lincoln knew what was going on here, so he ignored the congressional recess and took presidential action by exercising a **pocket veto**. In other words, instead of an outright veto Lincoln simply ignored it and refused to sign it, noting that it was proper because Congress had skedaddled out of DC and was currently not in session, he was unwilling to call a special session to deal with it. In a backhanded slap to the Radicals Lincoln did issue a directive that if any state wanted to reapply by virtue of the Wade-Davis Bill he would accept their application, but he felt that his time would be better spent "watching the grass grow."

Oooh, boy, the Radicals are mad now. In retaliation to Lincoln's pocket veto (and comment about the grass; children PLEASE!!) they issued a weak "yo mama" reactionary edict known as the **Wade Davis Manifesto**, which accused the President of usurping (how many times can you use THAT word in a day?) his authority by

denying the wishes of Congress through his denunciation of the stringent Wade-Davis Bill while using his non-punitive 10% Plan to accommodate more Southern states in rejoining the Union and thus using them *to ensure his re-election*. Uh oh; HUGE case of “the pot calling the kettle black” here; looks like both sides are starting to reveal their true intentions in this whole mess. Sooooo . . . in true Scalia fashion, I’m thinking we need to stir the stink a little here. Otherwise, it wouldn’t be infuriating . . . and fun.

THE FOURTH REASON FROM PAGE ONE: You have to be asking: hey doofus, did the readmission of the Confederate REALLY states matter THAT MUCH? OMG YES!!! Keep this in mind: remember that prior to secession the Southern states were always able to at least guard their interests, if not dominate the House, in congress by virtue of the 3/5 Compromise; that’s their entire reasoning for insisting on the spread of slavery as the prime guarantor of their survival.

I. Southern nightmare: Now, if Southern states re-enter the Union under a policy of emancipation, citizenship, and political equality (the three cornerstones of the Radical agenda) with NO colonization, well, what does tell us? No more 3/5 Compromise, and now those who used to be 3/5 of a person are 5/5 of a person, **all of whom will vote for the party of The Great Emancipator, Abe Lincoln.**

II. Northern nightmare: You want to talk about the 3/5 Compromise resulting in any significant pre-war Southern presence in the House? If you are a Radical Republican that pales in comparison to allowing the South the remaining 2/5 of former slaves, **which, should they morph (or forced to morph) into Democrats,** would cement a dominant Southern presence and possible control of the House for perpetuity.

See the dilemma for both Northern and Southern party politicians? There aren’t 4 million slaves in the South; there are 4 million potential **VOTES!** Bad times for Southerners attempting to reinstall post-war home rule, because only an idiot would assume that Freedmen would vote for the Party (Democrats) that supported their enslavement. Once you get past the fact that these will not be 4 million Democratic votes (something of which southern Democrats are all too aware) it becomes crystal clear that these votes will be either moderate (Lincoln) Republicans or Radical (Congress) Republicans. Remember what is at store here: **POWER.** NOW is this whole insane mess starting to make a little sense?

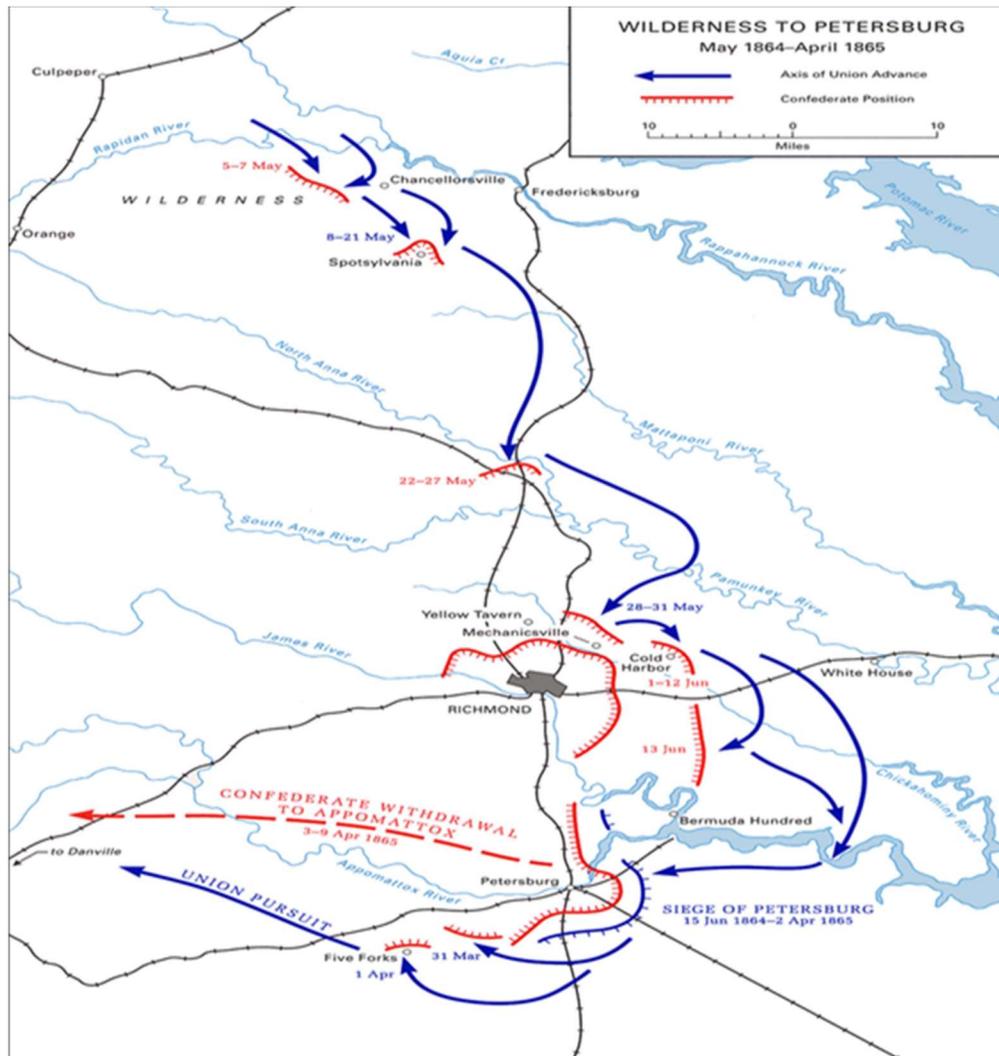
Guys, this is still 1863. **The war’s end is still two years away** and this Recon mess constitutes a Category 10 disaster churning on the horizon. So . . . there are major items to consider:

1. Will colonization remain an integral part of emancipation? Only John Wilkes Booth holds the answer to that question.
2. Given the potential political battles, will emancipated slaves even be allowed the right to vote? Lincoln is lukewarm on this, his successor Andrew Johnson will outright deny it, but the Radicals demand it, and you know why.
3. Should Freedmen votes translate into Republican votes, to what extent will recalcitrant white Southerners go to prevent such a barrier to the return of home rule? Hint: a MAJOR, nasty extent; suffrage can be a double edged sword.

However, before we can entertain these issues, there is still a war going on, a war where Union hopes, even after Gettysburg and Vicksburg in July 1863, at best dubious . . . and in the spring of 1864, it is raging in Virginia . . .

BACK TO THE WAR

THE SOUTH LOSES THE WAR: THE NORTH A PRESIDENT



Note how Grant (blue) reacted to Confederate positions (red) by moving closer to Richmond after each defeat, rather than retreating. This strategy, along with an ability to absorb horrific losses by virtue of an inexhaustible source of manpower, won the war for the Union.

Through the confusion of this battle over Reconstruction, please remember: it is now 1864, and the war still rages. However, during the 1864-1865 **Overland Campaign** (see above map), newly-appointed General of the Army Ulysses S Grant's Army of the Potomac launched an offensive into Virginia with the objective of capturing the capitol of Richmond. Grant invaded Virginia in spring 1864 and continually sparred with Robert E Lee's Army of Northern Virginia, never defeating the rebels in combat, but likewise never retreating. Unlike Grant's predecessors, who never met a retreat they didn't like, each defeat at the hands of Lee resulted in a Union move closer to the Confederate capitol in Richmond; this necessitated Lee's keeping his army poised between the Yankees and his government. This is basic defensive warfare: a basic basketball strategy posits that, while on defense, you always position yourself between your opponent and the basket; that's the same predicament in which Lee found himself. Consequently, the rebel commander was robbed of his most prized strategic advantage: being able to choose the ground upon which he can best engage Grant's superior numbers.

In this new war of attrition all Lee could do was react to Grant's retreat and defend the capitol. The two armies' points of contact hold hallowed and tragic names: The Wilderness, Spotsylvania, The North Anna River, Yellow Tavern Courthouse (site of the death of Lee's cavalry genius JEB Stuart), and most ominously, **Cold Harbor** . . . a battle so horrific that a Confederate officer remarked that the engagement was "not war but

murder.”⁶ After being hemmed up in a seven month siege of Petersburg, just twenty miles south of Richmond, in April 1865 Lee sought to escape west with what little was left of his army to Lynchburg, where he planned to catch a train south into North Carolina and join forces with Joe Johnston. Lee never made it to Lynchburg; his starving army was surrounded with no hope of escape at **Appomattox Court House**, just ten miles from the railhead at Lynchburg. Grant offered Lee a choice of either capitulation or annihilation, and after considering Grant’s humane terms, Lee surrendered the Army of Northern Virginia to the Union general, effectively ending hostilities in the major theater of the war. In late May Johnston surrendered his Army of the Tennessee to William Tecumseh Sherman, after which no effective fighting force remained in the field. By mid-summer of 1865, with the surrender of the two main Confederate armies, the great national nightmare of the Civil War was over.⁷

On the evening of 14 April 1865 Lincoln accompanied his wife to Ford’s Theater in Washington to view a presentation of *Our American Cousin*, a British play which took a satirical look at the Empire’s former colonists. Lurking in the hallway outside of the Presidential balcony was actor **John Wilkes Booth**, a Southern sympathizer who sought one last act of vengeance against the North. Booth put a derringer to the back of Lincoln’s head, deposited a bullet into the President’s brain, and leapt twelve feet to the stage yelling “*Sic semper tyrannis.*” (“Thus always to tyrants,” this was the motto of the State of Virginia).

Booth the Enigma. John Wilkes Booth is a study in the danger of unmitigated emotion, unresolved rage, and reactionary patriotism. In his passion for vengeance Booth did NOT realize the great advantage the 10% Plan held for the future of the South; consequently his assassination of Lincoln did more harm to the South and its citizens than Lincoln could ever hope to. As such, Booth has assured himself a dark, puzzling, ironic place in American history.

1. **First: For better or worse,** Booth all but ended any attempt at colonizing freed slaves after emancipation. Such a radical program, in the face of opposition by both Radical Republicans and abolitionists such as William Lloyd Garrison and Frederick Douglass, could only retain credibility with Lincoln at the helm. Now void of its charismatic champion who, in the minds of most Northerners, both reunited the Union and freed the slaves, the movement died an inglorious death. Booth’s making of a national martyr also destroyed any chance of gradual emancipation, guaranteeing that blacks and whites **would be thrust upon each other forcibly rather than gradually** (part of Lincoln’s colonization policy provided that in the event that the program failed, blacks could return to the US through a graduated re-entry process that expired in 1900). In the racially-charged environment of post-Civil War American society this forcible racial integration was a sociological disaster which, under normal circumstances, would take years of assimilation under enlightened direction. Jeez, guys, we’re talking about a European culture whose legacy of assimilation involved the *encomienda*, praying towns, and reservations; and we all know how those worked out.
2. **Second:** Booth destroyed any chance the South may have had at a non-punitive re-entry into the Union and policy of Reconstruction. Presidential Reconstruction died with Lincoln, and although it was supported by the new president, Andrew Johnson, it was never be able to stand against the ferocity of Radical Congressional Reconstruction, the developers of which were now more than ever determined to punish the South.

The results of Booth’s actions were disastrous for freed slaves, poor white Southerners, and the Southern states as republican political entities. The former slaves would suffer indescribable horrors at the hands of recalcitrant whites; poor white farmers, of which the majority of the Southern population consisted, would discover that their lot in life was equitable to, and some cases worse than, the slaves they once held in contempt; and the states themselves would fall under the military occupation and control of a victorious Union guided not by the benevolent Lincoln, but by unscrupulous and vengeance officials who kept everyone’s interest at heart save those of Southerners. Against this framework, Andrew Johnson will attempt to take on the Radical Republicans and their schemes for Reconstruction in Lincoln’s stead, and it will not be pretty.

THE RISE AND FALL OF ANDREW JOHNSON

One of the great goobers in American history, Andrew Johnson of Tennessee rose to the presidency by virtue of Booth's aim. He was, beyond all comprehension, the worst possible person for the job, the perfect example of Murphy's Law as applied to history. Johnson, a Jacksonian Democrat, was the leader of a congressional faction known as the Southern Unionists (who drew their philosophical character from Andrew "not at the expense of the Union" Jackson), and as such ran as Lincoln's running mate in the Election of 1864 in an **attempt to attract Copperheads** to the Republican ticket . . . sort of a whacked "We are all Republicans; we are all Federalists" type of deal (Jefferson should have risen from the grave just long enough to sue). Lincoln's official opponent in this election was his old antagonist, Democrat former general George McClellan (whom Lincoln had fired twice during the war for being a pompous wuss), but everyone knew that his *real* target was the congressional faction of Radical Republicans, who were sulking over Lincoln's new found popularity. Lincoln's choice of Johnson, however, suffered from one great misconception on the President's part: he wanted to beat McClellan and the Radicals so badly he missed the **REASON** why Johnson was a Southern Unionist. Lincoln *assumed* (there's that word again) that Johnson's support of the Union was based on his compassion for slaves and desire to support total emancipation and equality. **WRONG!!!!**

Johnson was a Jacksonian in more than philosophy (remember that Jackson supported states' rights, ie the Tariff Controversy in 1828 and annexation of Texas, but never at the expense of the Union).⁸ Johnson, like Jackson, had been raised poor and destitute (yep; he was a yeoman), and as such grew up in the condescending shadow of the Southern Cavalier planter aristocracy. He **despised these people**, and it was this hatred, rather than any concern for the slaves, which drove his Unionism. Johnson was at best ambivalent towards slaves,⁹ and true to his "white trash" yeoman roots, was enough of a white supremacist¹⁰ to desire that the best place for emancipated blacks was Liberia, Haiti, or Central America . . . anywhere the Colonization Society decided to deport them.¹¹ Consequently Johnson's primary design for the post-war South was to **promote the interests of yeoman whites**, while holding Freedmen at arm's length. Smell a rat here? You should, especially since (a) this heading was 180° that of the Radical Republicans in Congress, and (b) Johnson was every bit as bullheaded and stubborn as the worst Radical Republican. The War for Union was over; the War for its Soul was on.

Round One of Reconstruction: Johnson's Presidential Plan: The Radicals in Congress rightly suspected that the new president would be unwilling to play well with them, and Johnson's immediate announcement of his Reconstruction plan bore those fears out. It was Lincolnian in design, with a few distinct changes. **Johnson's version of Presidential Reconstruction** featured:

1. The recognition of those states who were eligible for readmission due to **Lincoln's 10% Plan**.
2. The stipulation that any white person in the former Confederate states could apply for citizenship by denouncing the Confederacy and taking an oath of allegiance to the Union, ***EXCEPT*** those owning more than **\$20,000.00 in property**. I mean, this dude did not like rich folks at all.
3. Uh-oh, problem: Obviously the \$20,000.00 provision reflected Johnson's hatred of the planter aristocracy; it was indeed designed to keep the planter elite from regaining control and instituting Home Rule. However, Johnson also knew that **in the Southern planter elite lie Southern political power**, so out of political necessity he softened his denial of citizenship by offering *personal pardons* for select individuals who applied. Problem? Well, practically all of the planter class applied for pardons, and as Johnson's political stock in DC fell due to his war against the Radicals, he needed more Southern backing. Result? Tons of former Confederate officials who were the direct target of the \$20,000.00 prohibition in the first place were allowed citizenship by virtue of the pardons, by virtue of which they planned to regain political control of the South. It will take a while, but regain control they will through the emergence of Home Rule. This self-defeating exercise in futility tells you a lot about Johnson.
4. States applying for readmission must hold state constitutional conventions, in which they must repeal their state ordinances of secession and adopt the 13th Amendment
5. Any state meeting these requirements would be swiftly readmitted to the Union, which, by the end of 1865, most were.

Obviously Johnson's pardon system spit in the face of his own intent. Consequently when Congress assembled in December 1865, among the newly elected officials from the recently-admitted southern states were Alexander Stephens, the former vice-president of the Confederacy;¹² four Confederate army generals; eight colonels; and six members of Jefferson Davis' cabinet. Outraged by the presence of those deemed traitors the Radical leadership in Congress refused to seat the new legislators; it was "too much to expect, after four long, bloody years of war, that [Congress] would welcome ex-Confederates like prodigal sons."¹³

The Black Codes: In partial retaliation to this abject insult to Southern honor Southern states, who were otherwise ecstatic at the ease of readmission, and, inspired by Johnson's inaction on behalf of the Freedman, set about **re-establishing the social order of the antebellum South** with the issuance of the **Black Codes**. These were discriminatory local (ie state) laws that sought to **relegate blacks to a perpetual status of second-class social and economic servitude**. Some of the provisions of the Black Codes, which varied from state to state and carefully worded to avoid overt civil rights violations, included:

1. No black could own a weapon (some upper Southern states allowed this only under license)
2. No black could serve on the jury of a white man (although they could testify in the case of black versus black)
3. No black was allowed to rent from a white man
4. No black was allowed to vote unless they met certain, uh, shall we say, *criteria*? More on this later.
5. Blacks were forced to sign labor contracts, many of which included a provision that all black children were subject to compulsory apprenticeship and subsequent corporal punishment by their white "mentors."

By no means were these the only examples. In many places blacks could be arrested for violating their curfew (which tended to change at the whim of the sheriff), and, if caught looking for work, going to the market, or any of a number of pedestrian pursuits, arrested for loitering. Their penalties? You guessed it: they had to work off their debt to society on the farms. The 1866 Mississippi Black Code stated the intent directly: "All penal and criminal laws *previously* (ie pre-war) in force describing the mode of punishment of crimes and misdemeanors committed by former slaves, free negroes, or mulattos are *hereby reenacted* and decreed to be in full force."¹⁴ The more things change, the more they stayed the same.

This had an unintended effect on northern sensibilities. Johnson's support lie not in northern Democrats, who were still viewed as traitorous accomplices after the fact and consequently struggling for their own political survival, but with *moderate* (ie Lincoln) Republicans, whose Congressional status Johnson needed to blunt attacks from the Radicals. However, as moderate Republicans became alarmed at the presence of the Black Codes **they drifted towards the Radicals, severely robbing the president of his Congressional support**. However, don't get all teary-eyed and choked up by this exercise in morality and compassion of this change of venue by the moderates, you should be cynical enough by now to know that there had to be a seedier ulterior motive . . . and there was.

The intransigence of the Southern states wasn't the only reason for the renewed warm and fuzzy relationship between moderate and Radical Republicans. Every Republican, regardless of philosophy, realized the implication of the addition of four million citizens to the Southern population and the subsequent effect on Southern representation in Congress now that the 3/5 Compromise was invalidated. These factions . . . Free Soil moderates and abolitionist Radicals . . . could not stand the sight of each other, but God forbid the consequences if the South regained control of Congress by virtue of additional representatives and Congressmen. Politics do indeed make strange bedfellows.

Southern interests already had their champion in Andrew Johnson, who **wielded his veto power** with a relish not seen since Jackson. If allowed unchecked, Johnson's veto would wreak havoc on Republican legislation and effectively gut Henry Clay's (and, by association, Abraham Lincoln's) American System:

The Road To Liberty: The Civil Rights Bill and 14th Amendment. To counter this obvious nod to pro-Black Code southern governments Congress passed the **1866 Civil Rights Bill**, which threatened Johnson and his cronies their worst nightmare: the granting of US citizenship on the freed slaves. In April, after the failure of compromise, Johnson acted. Citing that the bill was unconstitutional due to the status of blacks by virtue of the 1858 *Dred Scott* Decision, and that only a constitutional amendment or Supreme Court decision could overturn the Scott decision (which was true), **Johnson vetoed the bill**, as was his constitutional prerogative. Congress expressed its contempt for Johnson by immediately **overriding his veto**, as was their constitutional prerogative. However, these actions were only the tip of the impending Congressional iceberg. (Man am I the KING of doofus analogies or what!!). Now the game begins.

Congressional Republicans realized that, with regards to any civil rights bill, (a) it would be vetoed by Johnson outright, (b) it would be defeated in Congress once Southern congressmen began filling up the House and Senate to block passage, and (c) Johnson was right about the constitutionality of overturning *Dred Scott*. As such, they called Johnson's bluff and began work on a **constitutional amendment** that would legitimize a civil rights guarantee for the freed slaves. Because it would be **addressing the states rather than individuals** it would be a direct **attack on the 10th Amendment**, something that would invite fierce backlash from the readmitted Southern states. In light of this consequence the Radicals placed the readmission of the eleven southern states to **probationary status** contingent on each state ratifying the proposed amendment. It was indeed time for political hardball.

The 14th Amendment: The Radicals got their amendment. In June 1866 the **14th Amendment, quite possibly the most important and (from a contemporary perspective) significant amendment in American history**, was passed by Congress. Its **immediate purpose was to overturn the *Dred Scott* Decision**. Its other major provisions included:

1. All persons in the United States enjoyed **joint state and federal citizenship**.
2. It forbade any state (the designation of "state" is important here) to "abridge the privileges and immunities of its citizens" or to "deprive any person (the designation of "person" is important here) of life, liberty, or prosperity without **due process of law**," or to "deny any person the equal protection of the laws."

Obviously Johnson was no fan of the 14th Amendment with its emphasis on the freed slaves. However, he could smell the danger of veto in the political wind, especially after his home state of Tennessee was the first . . . and only . . . state to ratify it, over his strong protests. The governor of Tennessee, no fan of Johnson's, directed the Secretary of State to "Give my respects to the dead dog in the White House."¹⁶ Ironically, Johnson's state was the only Southern state to ratify the 14th Amendment. The rest would have to be, uh, coerced. If this sounds ominous, well, it is . . . as they say back home in 'Nawlin: bad moon a-risin'

Retribution throughout the South was fast and savage. In **Memphis and New Orleans**, armed mobs (as well as police) took to the streets in full riot mode to express their displeasure at the amendment by **attacking and massacring blacks wherever they could find them**. Radical Republicans threw this tragedy directly at Johnson's policy of urging non-ratification; Charles Sumner (Cane Boy) declared "Witness Memphis. Witness New Orleans. Who can doubt that the President is the author of these tragedies?"¹⁷

The Swing Around the Circle versus the Bloody Shirt: By the end of summer 1866 the Radical Republicans in Congress had tired of Johnson's intransigence. By now, the Reconstruction battle had evolved beyond a mere struggle for the right to guide the social, political, and economic recovery of the South into a raging battle to **define the extent of the constitutional doctrine of separation of powers**. Congressional Radical Republicans, now forming a substantial majority due to the addition of the moderates, were sick and tired of over seventy years of states' rights rhetoric as well as the popular identity of Abraham Lincoln as "America's Martyr" and were consequently bound and determined to guide America through her New Age through implication of strict, Hamiltonian/Clay/Lincolnesque political and economic principles.¹⁸ Andrew Johnson and the remnants of the Southern Democrats were standing in their way.

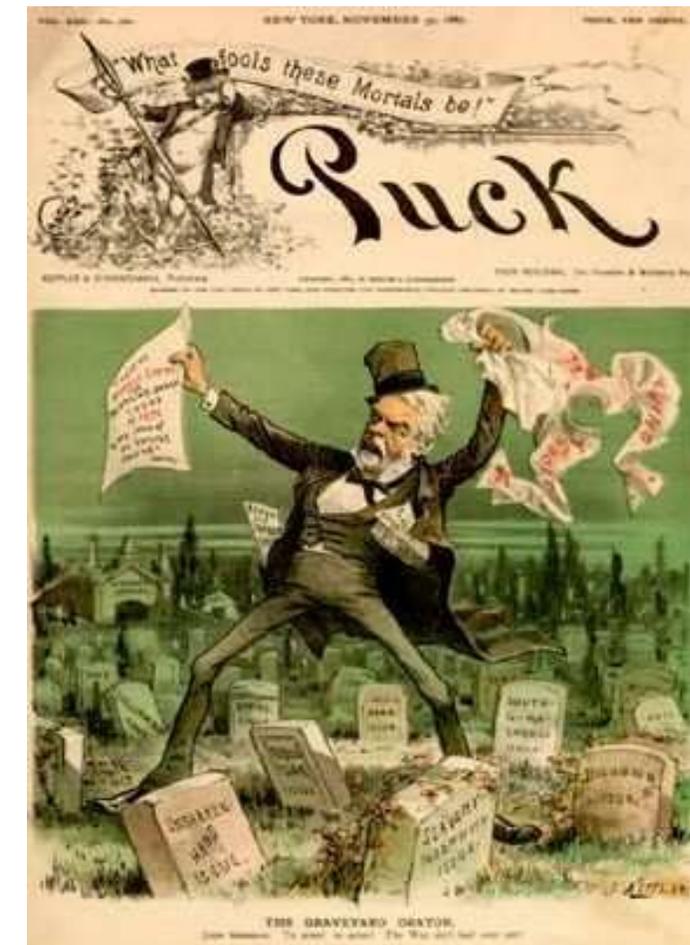
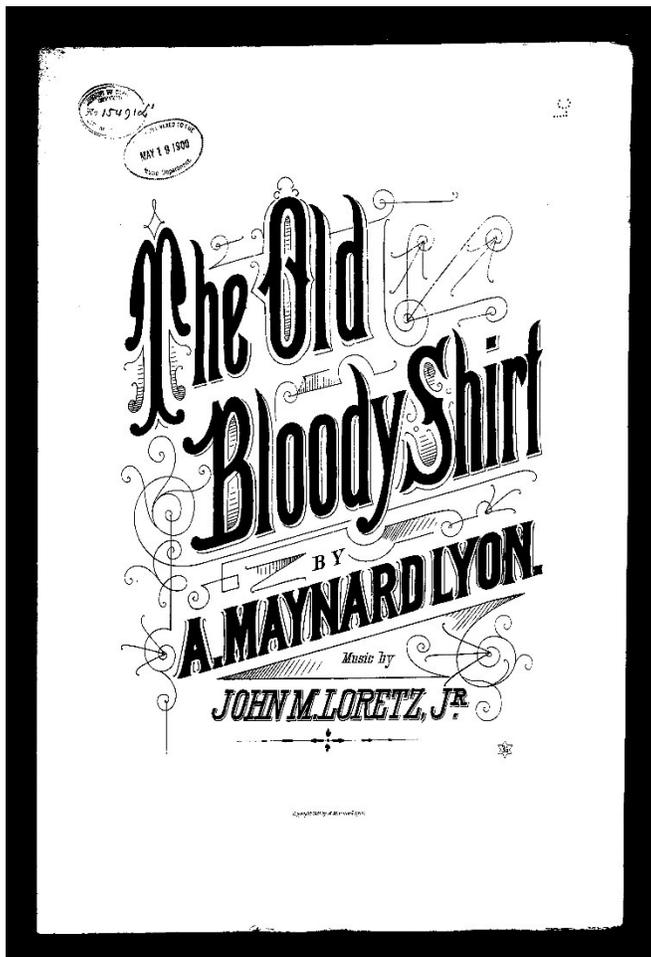
In June 1866 a Congressional **Joint Committee on Reconstruction and Amnesty** recommended that, due to

Johnson's farcical presidential-pardon-for-former-Confederates program, the Southern states were to be stripped of their readmission to the Union and thus **not entitled** to Congressional representation in Congress (dude, THAT'S the way to eliminate your opposition!) The report went further; laying the bombshell that **only Congress** possessed the authority to initiate and guide Reconstruction, not the President. As a final shot, the report concluded that Presidential Reconstruction was **unconstitutional** and hereby rejected. Obviously, since the nation had never faced the need to reconstruct itself before, there existed no precedent of how to deal with it. Soooo . . . Jeez!!! Loose interpretation gone wild, and without his congressional backing of the former readmitted states, Johnson was dead meat. So much for separation of powers, huh? Checks and balances? Well, Madison's nightmare had come true, and for the southern states it was back to square one.

As you might expect Johnson was furious. He did realize, however, that he had lost far too much Congressional support to mount an effective counterattack, and that should he veto any laws emanating from the Joint Committee's report he would be surely overturned in both House and Senate, and possibly subject to impeachment. Therefore, he sought to hit Congress where they were most vulnerable: by attacking their constituents, most of whom had no freakin' idea what was going on . . . HEY!! It's just like today!

Throughout the late summer and fall of 1866 Johnson embarked upon a speaking tour of the Midwest, in which the congressional **midterm elections** were on the horizon. His **primary target was the newly-passed 14th Amendment**, which he knew suffered from popular support (just because the Radicals in Congress wanted full civil and political equality for Freedmen didn't mean the Northern people did . . . remember, most of these are Free Soilers who fear Freedman competition for jobs and land). This "**swing around the circle**," as Johnson labeled his speaking tour, was a good idea in the hands of a savvy, polished politician (Lincoln would have nailed it); however Johnson was anything but savvy and polished. Remember, Johnson's intent here was to schmooze, cajole, BS, and ultimately kiss the people's behinds for their votes. However, to his detriment Johnson was no Lincoln (the master schmoozer) nor was he Jackson (the master intimidator); he was just a knob who drank too doggone much and consequently couldn't keep his big mouth shut (LIFE LESSON: alcohol has a tendency to do that to otherwise intelligent people). He was combative in nature, getting into shouting matches with critics, often appearing drunk and incoherent. Jeez, he managed to fall off of the back of a train in Cleveland because the engineer mistakenly left the station while he was still in the midst of declaring his opponents as "factious, domineering, tyrannical men." Observers to Johnson's antics described him as a "ludicrous boor" and "drunken imbecile."¹⁹

The opposition wasn't innocent in this political exercise in reality Honey Boo Boo political theater. Republicans, incensed that the Democrats, or, in their perspective, the "Party of the Rebellion," would dare attack the 14th Amendment or would even had the nerve to contend for federal office, began a practice known as "**waving the bloody shirt**." This tactic, begun by former general Benjamin Butler, consisted of attacking the Democrats by allegedly waving a soiled Army tunic (supposedly stained with the blood of a fallen Union soldier²⁰) above one's head while spouting vitriolic hatred upon the Democrats. Ah, the old political tried and true standbys of guilt and martyrdom still worked, and worked well.



Puck Magazine's Take on Waving the Bloody Shirt

Don't You LOVE the Way These Issues Found
Their Way Into Song and Dance?

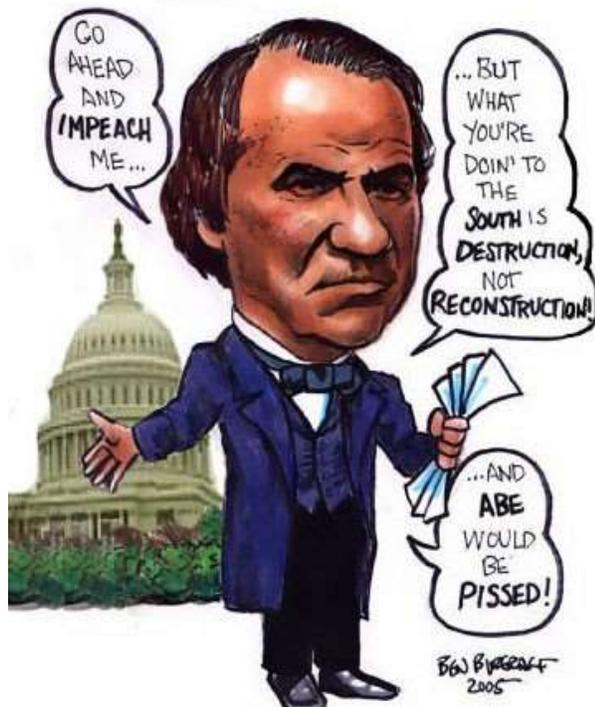
Anywho, despite the theatrics, the outcome was predictable. The Radical Republicans won over a two-thirds majority in each house . . . a margin with which any Presidential veto could be overridden. Perhaps you've heard of "lame duck?" After this, Andrew Johnson is a "dead duck." Desperation time.

The Military Reconstruction Act Striking while the iron was hot the Radicals shoveled the first spadeful of dirt on top of Johnson's Reconstruction coffin by passing a series of acts designed to solidify congressional control over the South. Pay attention; this is pretty important.

The first act, passed in February 1867, extended suffrage to all African Americans in the District of Columbia, and was designed to test the waters for future nationwide black suffrage. The second act, passed on 2 March 1867, would eventually comprise the greatest tragedy of Reconstruction. Political wisdom dictates that, if a country is attempting a non-punitive reconstructive policy of self-guidance and retribution, it is **NEVER wise to forcibly re-occupy a defeated enemy**. The results have historically proven to be worse than the preceding war. However, in a punitive mood fueled by their hatred of Andrew Johnson and the Black Codes, Congress did just that with the passage of the **Military Reconstruction Act**.

The Military Reconstruction Act is actually a series of separate acts and provisions. The **first provision** stated the obvious: **all existing (ie formed under Johnson's plan) state constitutions were null and void**; state should start over again following a stringent, Congressionally-directed criteria.²¹ **Secondly**, in a direct slap at Johnson, the **Tenure of Office Act** (which was unmistakably unconstitutional) required the consent of the Senate should the President attempt to remove any federal officeholder, including members of Johnson's cabinet . . . one of which, Secretary of War **Edwin Stanton**, was the one holdover from the Lincoln administration who was an outright Radical Republican (if you smell trouble a-brewin' here, you're right . . . more on this later).²² The **third and most damaging provision was the division of the former Confederacy into five military districts, each governed by a Union general and patrolled by Union troops, and all under the command of General of the Army Ulysses S Grant**. In short, the South had been placed under military occupation and subject to martial law, enforced by the same troops responsible for the loss of over 250,000 southern lives during the war. Yeah, this is going to go over *really* well down in places like Tuscaloosa, Itta Bena, Charleston, Selma, Houston, and even Des Allemandes. In short, Southerners were HUMILIATED, ENRAGED, and THIRSTING FOR REVENGE . . . wherever they can extract it. This, of course, usually falls on those least able to protect themselves.

The Supreme Court Weighs in. According to the Military Reconstruction Act "no legal state governments or adequate protection for life and property now exists in the rebel states . . . [therefore] the commanding officer of each district is authorized to employ *any measure deemed appropriate* (my emphasis) in order to keep order and protect the rights of the people." However, in the congressional attempt to impose military justice on the southern populace lay a constitutional issue. In the 1867 Supreme Court decision **Ex parte Milligan** the Court declared that military tribunals (or courts) could *not be held in peacetime* and were consequently void *if civilian courts were operating*. This dealt the Republicans two severe blows. **First**, the federal government could not impose military justice in peacetime;²³ violations of federal civil rights legislation such as the 14th Amendment would have to be tried in politically-biased state and regional federal courts. This subsequently limited the extent to which Congressional Radicals could wage war against the revival of white southern Home Rule by virtue of *de facto* legislation such as the Black Codes. **Secondly**, most ominously, the *Milligan* ruling revealed that the Radical-controlled Congress, which had dealt such a devastating blow to the presidential arm of the separation of powers triad, now faced a new foe they had NOT anticipated: a **hostile Supreme Court**.



The Impeachment of Andrew Johnson. Poor Andrew Johnson; you have to feel for this guy. His lot in life circa 1867 brings to mind a man drowning in quicksand with a multitude of people laughing at him as he sinks. Johnson was, however, a fighter, and on the heels of the Military Reconstruction Act decided to strike back. He was fully aware that, by late 1867 the Radical Congress, enjoying insurmountable majorities in both houses, had decided that (a) the power of the Supreme Court, as exhibited in *Ex parte Milligan* must be curtailed, and (b) Andrew Johnson had to go. Consequently, knowing fully well the questionable constitutionality of the Tenure of Office Act (and very much aware that the Radicals had few friends on the Supreme Court) **Johnson brazenly violated the Act by firing Secretary of War Edwin Stanton** and replacing him with General Ulysses S Grant.²⁴ The effect was predictable; the Radical

House, for the first time in American history, elected to impeach the President of the United States, citing that Johnson had committed "high crimes and misdemeanors" against the people of the United States.

The impeachment debate in the House was Jacksonian politics at its best. House Republicans accused Johnson of having “dragged the robes of his office through the filth of treason” and described the president as “an ungrateful, despicable, besotted (ie drunk), traitorous man . . . an incubus.”²⁵ On 24 February 1868 the House returned eleven articles of impeachment against Johnson.²⁶ The Senate trial, necessary for either conviction or acquittal, began on 5 March 1868 with Chief Justice Salmon Chase (Lincoln’s former Secretary of the Treasury; no bias there, huh?) presiding. Well aware of the president’s temper and the farce that was the “swing around the circle” Johnson’s attorneys refused to allow the president the right to defend himself in person. Johnson consequently worked behind the scenes to win over senatorial votes; in many shameful cases of patronage (political favors) he promised government positions and other political incentives in exchange for votes. Finally in May the Senate voted on Johnson’s fate; any vote of **conviction must come from a two-thirds majority of the Senate**. The result was a vote for conviction of 35 aye versus 19 nay . . . one vote *short* of the necessary two-thirds’ majority. The one renegade Republican who voted to acquit Johnson belonged to a first-term Kansas senator named Edmund Ross, who reported that he had been “hounded and hunted like a fox” in the days leading to the verdict. What Ross didn’t tell anyone was that he demanded . . . and received . . . several political favors from Johnson, an act so distasteful to his Kansas constituents that one infuriated Kansan wrote the young senator that “Kansas repudiates you as she does all perjurers and skunks.” In any event, Andrew Johnson once again survived, but his acquittal only served as his last battlefield victory in a political war he was destined to lose. He lost the Democratic Party’s nomination for president in 1868; Horatio Seymour, the man who defeated him, was soundly defeated by Ulysses S Grant in the Election of 1868. Johnson died in 1874; an embittered political warrior who was so convinced of his propriety that he was buried with a copy of the Constitution rolled up under his head.

With the death of their chief antagonist, Radical Reconstruction began in earnest. It will not be pleasant for anyone living down South, be they white or black.

RECONSTRUCTION ROUND TWO: THE RADICALS HAVE THEIR DAY

To those actually living in the South, the basic differences between Presidential and Congressional Reconstruction were in its application and maintenance, factors lost to those waging the Reconstruction wars in Washington. Southern society was beginning to revert back to a dynamic more in line with life under the Confederacy than any socio-economic reformist dynamic. The former cavalier elite, newly pardoned by Johnson’s liberal plan, set out to assume control over the post-war South, making sure that Southern society remained aristocratic, hierarchal, and **above all, Democratic**. However, Round One of Reconstruction came to a screeching halt with passage of the Military Reconstruction Act, along with Johnson’s defeat in the Election of 1868; things would undergo a drastic change.



Two Views of the Military Reconstruction Act and 15th Amendment

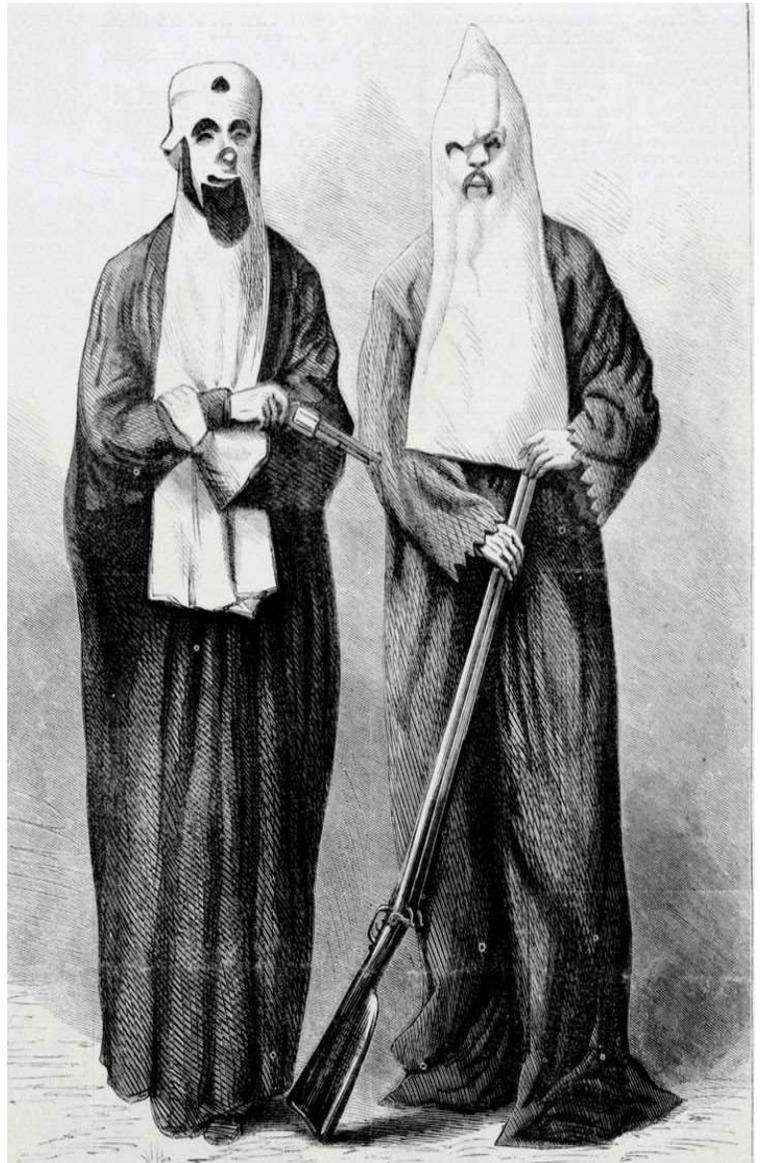
The 15th Amendment. The first major change came with the new Radical provisions for southern state constitutions which were requisite for readmission to the Union. The new constitutional criteria required that new state constitutions include the civil rights guarantees of 14th Amendment; however the Radicals realized that it was probable that once Southern states re-entered the Union with their new Republican constitutions they could hold state Democratic constitutional conventions to repeal unsavory (to them) provisions such as the 14th. To provide a safeguard against such an occurrence Congress followed the 14th Amendment with the **15th Amendment**, which awarded Freedmen the right of suffrage and consequently the opportunity to participate in government.²⁷

Now, c'mon now; how naïve does that sound to you? I mean, do you *really* think that, 15th Amendment or no 15th Amendment, Southern Democratic power elites are going to simply step aside and allow former slaves the right to vote for Republican candidates who will dilute, and possibly eliminate, the reemergence of white home rule? Hey, give the Yankees some credit here; the Radicals weren't stupid. Remember who was responsible for staffing the five military districts under the Military Reconstruction Act? Well, now you know why the Union troops were in the South, and why they were *really* busy on Election Day.

White Backlash. Man, I tell ya . . . if you could come up with any combination that could insult and infuriate Southerners more, it would be the **cumulative effects of the 14th and 15th Amendments, policed and enforced by that damned Union Army.** The mere thought of blacks voting a straight Republican ticket (remember the Radicals' initial interest in the Freedman vote was the existence of four million REPUBLICAN votes; ah the joys of fruition!) right under the noses of the Southern home rule Democrats was galling enough; the fact that Yankee soldiers openly protected the Freedmen as they voted through shows of force was the final straw.

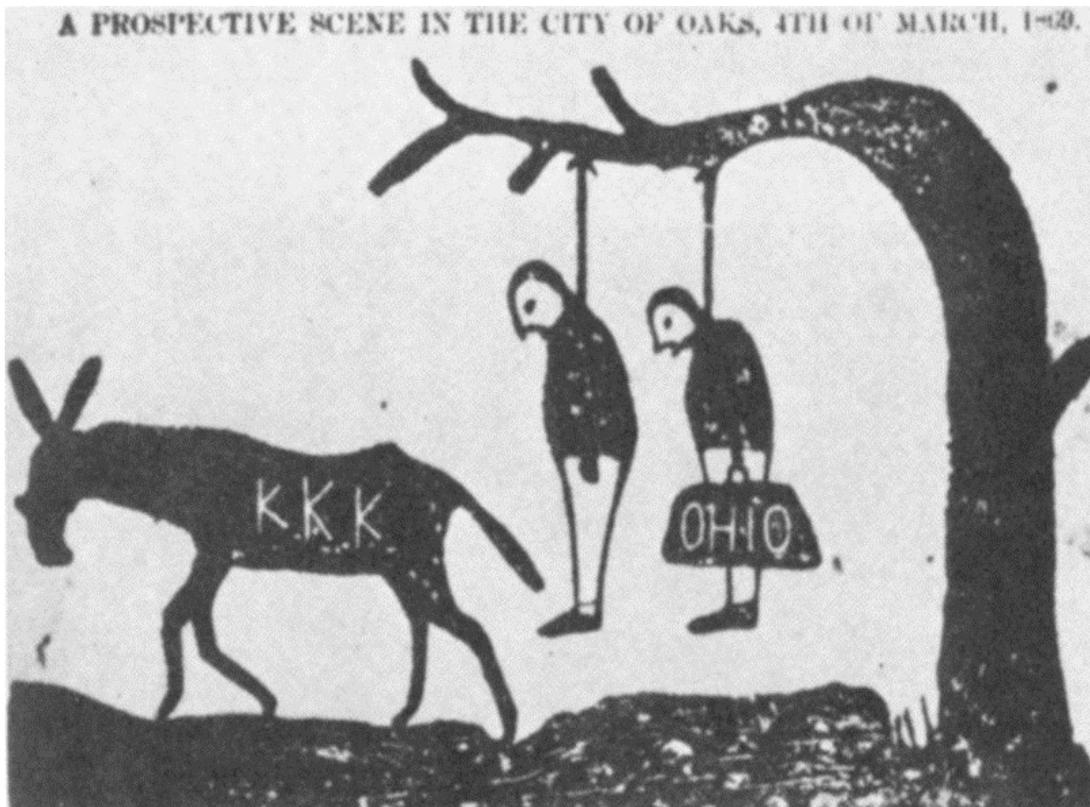
Anti-Freedmen and anti-Yankee organizations had been springing up across the South since the end of the war, many of whom were dissatisfied by Robert E Lee's admonition against a continuance of the war through guerilla actions.

The most infamous was founded in late 1866 by former Confederate cavalry commander



Pulaski, Tennessee's, Best and Brightest, ca. 1866

Nathan Bedford Forrest in Pulaski, Tennessee, and claimed to be an organization of the “sacred circle,” or *kuklos* in Greek, of the Southern brotherhood. Once that Tennessee accent mangled the term it became “*kuklux*,” its members becoming known as members of the “**Ku Klux Klan**.”²⁸ Originally the Klan stated as its organizational goal a continuation of the war by seeking the removal of federal troops from the South. However, with the enfranchisement of Freedmen and the increase of federal troops by virtue of the Military Reconstruction Act this role expanded to one of rural terrorism, resorting to intimidation and violence to “convince” Freedmen that the best place for them on Election Day was at home, as far away from the voting booth as possible. And stay away the Freedmen did, mindful victims of fear or death. To the Klan, it didn’t matter . . . as long as they didn’t vote. REMEMBER: the primary fear for Southerners was that those four million votes be casts as *Republican* votes.



**Hard to Miss the Point of This 1869 Broadside Posted in Oaks, Mississippi.
Note the Ohio Carpetbagger.**

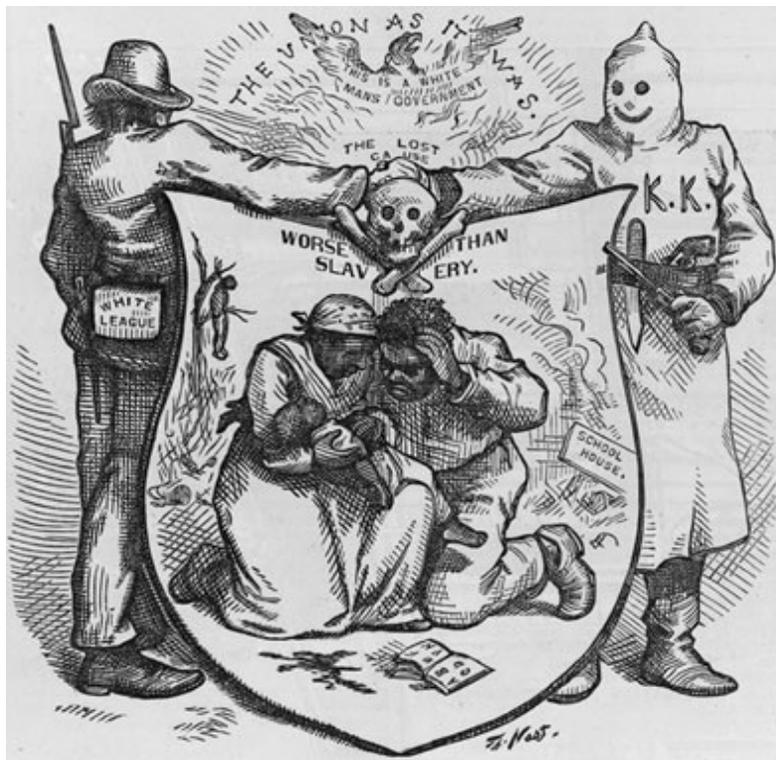
Lord knows the Klan wasn’t alone; in Louisiana the **Knights of the White Camellia** were reputed to have taught the Klan what rural terrorism was all about,²⁹ and in other states the **White League** attacked Freedman’s Bureau churches, schools, and individual homes. A favorite White League slogan declared that “the election must be carried, by legitimacy if possible; by force if necessary.”³⁰ Chilling.

The Enforcement Acts. The predations of the Klan and their brethren grew in infamy, so much so that Freedman votes in national elections became conspicuous to Radical Republican leaders by virtue of their absence. Consequently, in 1870 and 1871 Congress passed a series of **Enforcement Acts** designed to eliminate the effects of vigilante terrorist groups such as the Klan. These acts outlawed organizations such as the Klan and did indeed succeed in ending the Ku Klux Klan . . . or so it seemed. I mean, how could Congress enforce such a ban on such wide-reaching rural organizations? Think about this in practical terms: outside of those bed sheets and dunce caps how could federal authorities tell a Klansman from any other “cracker?”³¹ Exactly: they couldn’t; which, of course, was the reason for the sheets in the first place. Consequently the Force Acts were effective only in driving the Klan into hiding, only to re-form in other groups known by names much more civil, such as the Itta Bena (Mississippi) Dancing Club; the Bastrop (Louisiana) Missionary Society; and, just to show

that they weren't intimidated, the Mississippi Sporting Rifle Club.



Three Upstanding Members of the Tishaminga, Mississippi, Social Circle



Cartoonist Thomas Nast's Assessment of the White League and Klan et al ca. 1868

The Wholesale Disenfranchisement of Freedmen. In 1870, cognizant of the success in preventing the Freedmen from voting (and, by implication, Republican control of Southern state governments), Southern state governments began to consider more far-reaching, non-violent means through which the right to vote could be denied blacks. They already had the means by which to do so in place (the Black Codes) and consequently added some of the most diabolical, ingenious means by which to violate constitutionally-guaranteed civil rights. Because they did not specifically or directly bar blacks from voting, and in some cases applied to white as well as black voters, they were perfectly legal. These methods included laws such as **poll taxes** (which required anyone voting to pay a tax before casting a vote); **literacy tests** (which demanded proof of literacy before voting, the tests were administered by whites); the **white primary** (holding nominating conventions and *primary*, not general, elections for whites only); and **grandfather clauses** (stipulations that anyone voting must have been listed on the voter rolls in 1860). These devices further reduced black participation in the electoral process to the point where Radical Republicans decided it was time to force compliance of the 15th Amendment by sending **federal election officials** to supervise elections.



These enforcement measures began to have some effect; by 1876 there two senators (**Hiram Revels and Blanch Bruce of Mississippi**) and fourteen representatives in Congress. More telling, over 600 freedmen had been elected to serve as state legislators. Former Union soldier **P. B. S. Pinchback** of Louisiana became the South's (and America's) first African American governor. Finally, some good news for Freedmen: For the first time it appeared that the Republican Party was finally making inroads into Southern political society, albeit with the substantial aid of federal election officials and the Union Army. Bad news for Freedmen: these Federal forces can't stay in the South forever . . . when they leave, then what?

Reconstruction: The Covert War. **It is imperative to note that this metamorphosis occurred only with the increase of an official federal presence in the South; the more Yankees, the more Republicans.** Now, while an increase in black voting precipitated some of this success it was by no means enough to help sway Southern

state politics from the control of the Democratic Party to the Republicans. You see, throughout the evolution of Reconstruction in the South, throughout both rounds of the process, there existed a growing, consistent dynamic of both internal and external origin that aided northern Republicans quietly gain control of Southern establishments. They were the **carpetbaggers and scalawags**.

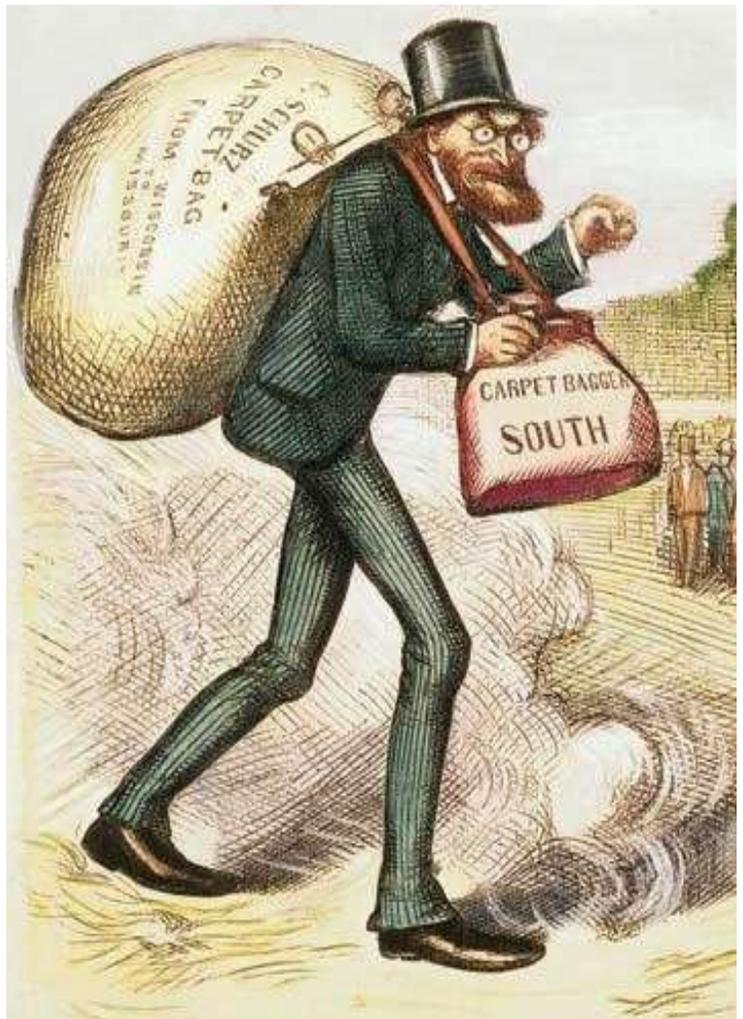
MEANINGLESS TANGIENT: Oh man, there was a time when few words solicited so much passion and rage. When I was growing up in south Louisiana strategically placed usage of these two terms guaranteed a fight (and because I was a general pain in the butt I became an expert at these terms' application, so much so that I painted frescos with them as much as Picasso did with oils. And yeah, I ended up in a lot of fights . . . even won a few).

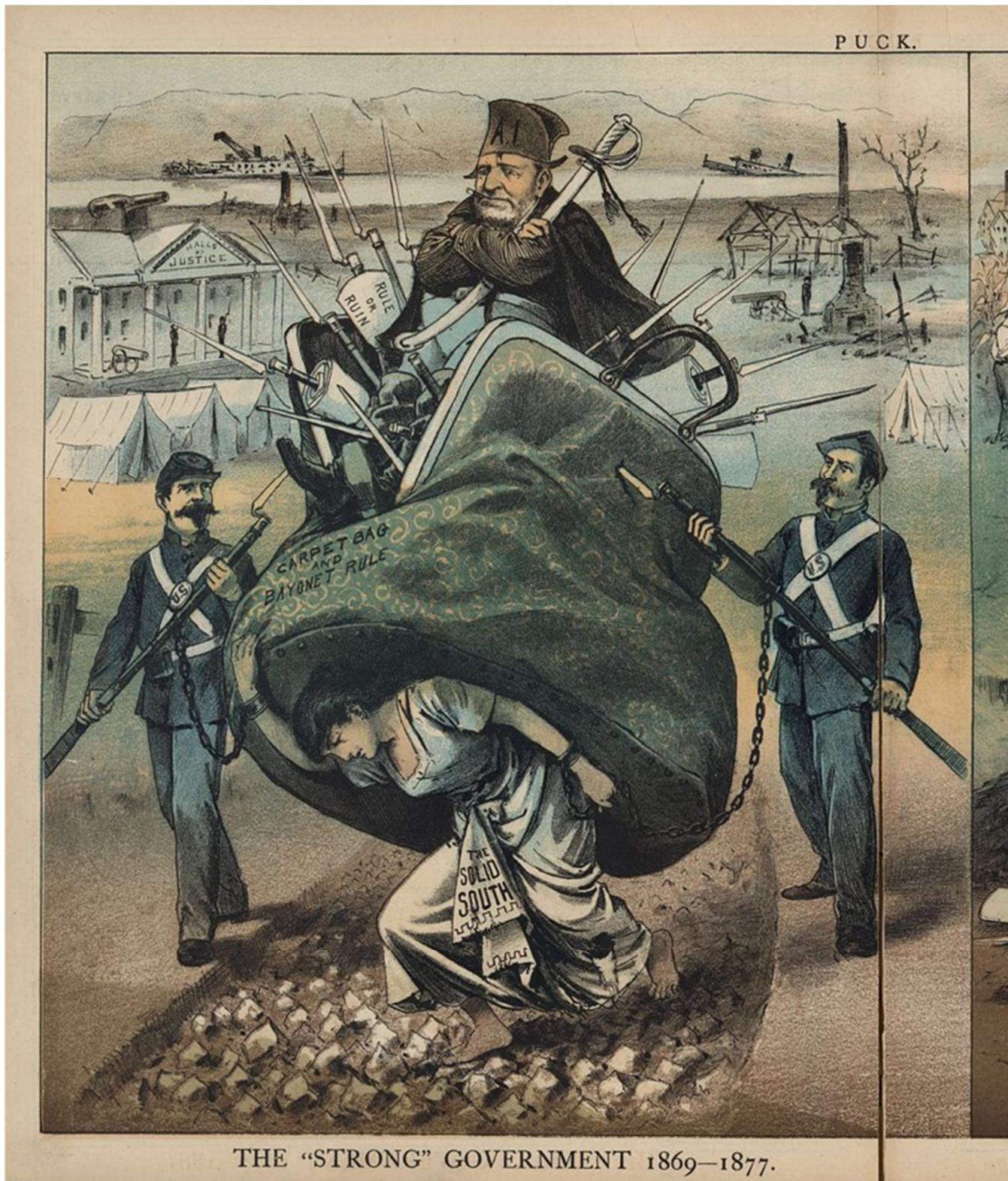
Carpetbaggers.³²

Simply put, carpetbaggers were Northern opportunists who came South for a variety of reasons. Some (albeit a minority) had noble intentions of trying to reform the South and/or helping Freedmen assimilate to white society. However, these well-meaning souls were not the ones that raised (and still do) the ire of Southern purists. Many carpetbaggers were Republican opportunists who came south to either make a buck or take advantage of the political situation for personal gain. As a result most of the important political offices in the new Republican-controlled state governments went to carpetbaggers. If this weren't alarming enough for Southerners, many of these Northern, uh, interlopers employed that traditional American virtue of land speculation, becoming millionaire land owners of plantation lands that had been in some families for hundreds of years. In any event their agendas thrived with the growing influence of the Republican Party, so they represented a growing constituency for the Republicans. Southerners absolutely despised these people, so much so that they constituted a favorite target of the Klan and their ilk for years; there are still places in rural Mississippi and Alabama where, if you are from the North, well, let's just say that you don't want that information flying around. Old wounds heal slow . . . I mean *glacial*.

Scalawags. As bad as carpetbaggers were, scalawags were far worse. These were

Southerners who realized that the Democratic Party held no future for them and subsequently joined the Republican Party. Some scalawags were famous by virtue of their service to the South during the war; two of the more noteworthy were former Confederate generals James Longstreet and George Pickett. Longstreet truly believed that the Republicans sought a progressive future for the South. Needless to say their wartime service disappeared in light of their defection to the Republicans. Other prominent scalawags were former Whigs who saw in Republican economic policy support for industrial and commercial . . . NOT agrarian . . . expansion in line with Henry Clay's American System. No matter their personal reasons, they were despised with a burning passion more often reserved for traitors, of which they were accused.





I LOVE This Cartoon From *Puck*.

The above cartoon shows the downtrodden maiden "The Solid South," a term that referred to the traditional tendency of the entire South to vote Democratic, buckling under the weight of "bayonet rule," or the military occupation of the South, as well as the effects of carpetbagger rule. President Ulysses S Grant rides triumphantly atop a carpetbag stuffed with Radical Republican legislation and guns, his intent to either "rule or ruin" the South.

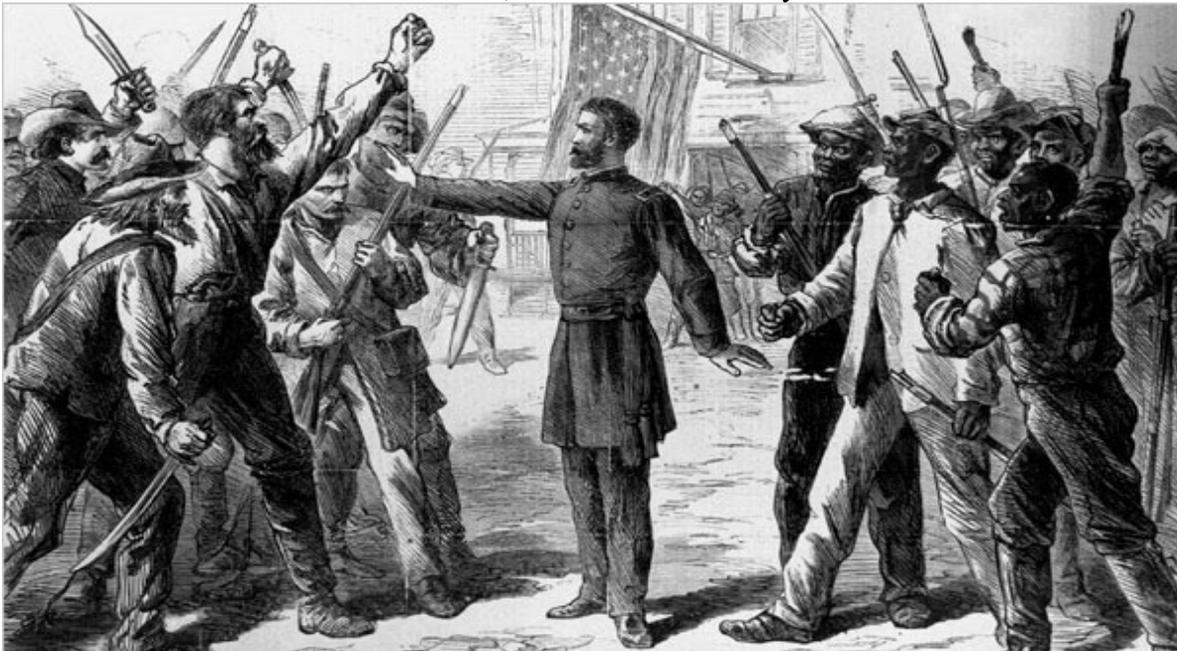
SUMMARY: TAKE A DEEP BREATH . . .

(Man, that's a lot of stuff! 😊)

By now it should be abundantly clear to you that the immediate post-Civil War South was an unmitigated political mess, a factional political battlefield that incurred its own special set of casualties.

1. By 1876 the region had endured **three separate methods** by which they could rejoin the Union (**Lincoln's 10% Plan, Johnson's Plan, and Radical Reconstruction**) only to discover that, upon adhering to the criteria of Presidential Reconstruction, they were nevertheless denied admission by a vengeful Congress bent upon both punishing the South for treason while entailing to **establish the Republican Party as the predominant faction throughout the solidly-traditional Democratic South.**
2. Freed slaves didn't know which way was up; for every 14th and 15th Amendment passed to guarantee their rights as citizens, there emerged a Ku Klux Klan or Knights of the White Camellia to crush their liberty. **The free exercise of their constitutional rights was only due to the protection of the Union Army and federal election officials,** measures that every slave knew would only infuriate defeated Confederates. In addition, every vote Freedmen obtained was balanced by the disenfranchisement of former Confederates who were only placated by the realization that the current situation could not last forever. There existed very few Freedmen who were not haunted by the shared realization that, to these disenfranchised rebels; payback is what it is.
3. Traditional cavalier Southern society was disintegrating in the face of infestation of **carpetbaggers and scalawags** who were intent of sweeping away the old agrarian South in favor of a new Hamiltonian/Clay/Lincoln version. This meant more black competition for social and political standing, as well as black and immigrant competition for labor. By 1876 it certainly appeared that was no room in the South's future for yeoman farmers and poor whites.

Result? One word, and BURN this into your mind:



RESENTMENT.

