

**Encyclopedia of the  
Reconstruction Era,  
Volumes 1 & 2**

*Edited by  
Richard Zuczek*

**Greenwood Press**

# **ENCYCLOPEDIA OF THE RECONSTRUCTION ERA**

## **Greenwood Milestones in African American History**

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Encyclopedia of the Reconstruction Era

*Edited by Richard Zuczek*

# ENCYCLOPEDIA OF THE RECONSTRUCTION ERA



Volume 1: A–L

Edited by  
Richard Zuczek

Foreword by  
Eric Foner

Greenwood Milestones in African American History



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*To Etsuko, Les, Paul, Rob, and Anne,  
five amazing people with one thing in common—faith in me*

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The categories listed below represent major themes and topics, and are not all-inclusive or all-encompassing. Please see the index for a further breakdown of related topics and associated terms.

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 Confiscation Acts  
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 District of Columbia, Black  
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 Electoral Commission of 1877  
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 Freedman's Savings and Trust  
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 Freedmen's Bureau Bills  
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 Military Reconstruction Acts  
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 Republicans, Moderate  
 Republicans, Radical  
 Southern Claims Commission  
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 Southern Homestead Act (1866)  
 Stevens, Thaddeus  
 Suffrage  
 Sumner, Charles  
 Supreme Court  
 Thirteenth Amendment (1865)  
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**Generals**

Abolition of Slavery  
 Ames, Adelbert  
 Banks, Nathaniel P.  
 Black Troops (U.S.C.T.) in the  
 Occupied South  
 Blair, Francis P., Jr.

Bureau of Refugees, Freedmen,  
 and Abandoned Lands  
 Butler, Benjamin Franklin  
 Canby, Edward Richard  
 Sprigg  
 Carpetbaggers  
 Command of the Army Act  
 (1867)  
 Confiscation Acts  
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 Constitutional Conventions  
 Contraband, Slaves as  
 De Forest, John William  
 Emancipation  
 Field Order No. 15  
 Grant, Ulysses S.  
 Hancock, Winfield Scott  
 Howard, Oliver Otis  
 Joint Select Committee on the  
 Conduct of the War  
 Lincoln, Abraham  
*McCardle, Ex parte* (1868)  
*Milligan, Ex parte* (1866)  
 Pope, John M.  
 Sheridan, Philip H.  
 Sherman, William T.  
 Sickles, Daniel E.  
 Stanton, Edwin M.  
 Tenure of Office Act (1867)  
 Thomas, Lorenzo  
 U.S. Army and Reconstruction  
 Violence

**Jurisprudence, Laws, Courts,  
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Abolition of Slavery  
 Amnesty Proclamations  
 Black Codes  
 Black Suffrage  
 Chase, Salmon Portland  
 Civil Rights  
 Civil Rights Act of 1866  
 Civil Rights Act of 1875  
 Command of the Army Act  
 (1867)  
 Confiscation Acts  
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 Constitutional Conventions  
 Contracts  
 Davis, David  
 Disfranchisement

District of Columbia, Black  
 Suffrage in  
 Electoral Commission of 1877  
 Emancipation  
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 Freedman's Savings and Trust  
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 Freedmen's Bureau Bills  
 House Judiciary Committee  
 Impeachment Managers  
 Impeachment of Andrew  
 Johnson  
 Jim Crow Laws  
 Joint Committee on  
 Reconstruction  
 Julian, George Washington  
 Loyalty Oaths  
*McCardle, Ex parte* (1868)  
 Military Reconstruction Acts  
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*Milligan, Ex parte* (1866)  
 Morrill, Justin Smith  
 Pardons  
 Poll Tax  
 Readmission  
 Republicans, Moderate  
 Republicans, Radical  
 Scandals  
 Sherman, John  
*Slaughterhouse Cases* (1873)  
 Southern Claims Commission  
 (SCC)  
 Southern Homestead Act  
 (1866)  
 Stevens, Thaddeus  
 Suffrage  
 Sumner, Charles  
 Supreme Court  
 Tenure of Office Act (1867)  
*Texas v. White* (1869)  
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 Trumbull, Lyman  
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 (1876)  
 U.S. Army and Reconstruction  
 U.S. Constitution  
 Vagrancy

**Movements**

Abolitionists  
 Abolition of Slavery  
 African Americans  
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 Black Suffrage  
 Bloody Shirt  
 Carpetbaggers  
 Churches  
 Cincinnati Convention (1872)  
 Civil Rights  
 Civil Rights Act of 1866  
 Civil Rights Act of 1875  
 Confiscation Acts  
 Contraband, Slaves as  
 Davis Bend, Mississippi  
 Disfranchisement  
 Douglass, Frederick  
 Edisto Island, South Carolina  
 Elections of 1866  
 Emancipation  
 Field Order No. 15  
 Freedmen's Relief Societies  
 Garrison, William Lloyd  
 Gary, Martin Witherspoon  
 Greeley, Horace  
 Gun Clubs  
 Hampton, Wade, III  
 Impeachment Managers  
 Impeachment of Andrew Johnson  
 Jim Crow Laws  
 Joint Committee on Reconstruction  
 Joint Select Committee on the Conduct of the War  
 Ku Klux Klan (KKK)  
 Lost Cause  
 National Union Movement (1866)  
 National Union Party (1864)  
 New Departure  
 New South  
 Phillips, Wendell  
 Poll Tax  
 Port Royal Experiment  
 Redemption  
 Red Shirts  
 Republicans, Liberal  
 Scalawags

Sharecropping  
 Shotgun Plan  
 Southern Homestead Act (1866)  
 Stalwarts  
 Stanton, Elizabeth Cady  
 Suffrage  
 Swing Around the Circle (1866)  
 Taxpayers' Conventions  
 Thirteenth Amendment (1865)  
 Union League of America  
 Vagrancy  
 White League  
 Women's Movement

**Northern Politicians**

Adams, Charles Francis, Jr.  
 Adams, Charles Francis, Sr.  
 Atkinson, Edward  
 Bingham, John A.  
 Blaine, James G.  
 Blair, Francis P., Sr.  
 Boutwell, George S.  
 Bristow, Benjamin  
 Butler, Benjamin Franklin  
 Chase, Salmon Portland  
 Cincinnati Convention (1872)  
 Colfax, Schuyler  
 Compromise of 1877  
 Conkling, Roscoe  
 Cox, Jacob Dolson  
 Dawes, Henry Laurens  
 Democratic Convention (1868)  
 Democratic Party  
 Doolittle, James R.  
 Elections of 1864  
 Elections of 1866  
 Elections of 1867  
 Elections of 1868  
 Elections of 1876  
 Fessenden, William Pitt  
 Fortieth Congress, Extra Session of (1867)  
 Garfield, James Abram  
 Grant, Ulysses S.  
 Greeley, Horace  
 Grimes, James W.  
 Hayes, Rutherford Birchard  
 House Judiciary Committee  
 Impeachment Managers  
 Johnson, Reverdy

Joint Committee on Reconstruction  
 Joint Select Committee on the Conduct of the War  
 Julian, George Washington  
 Lincoln, Abraham  
 McCulloch, Hugh  
 Morton, Oliver P.  
 National Union Movement (1866)  
 National Union Party (1864)  
 New Departure  
 Patronage  
 Pendleton, George Hunt  
 Republicans, Liberal  
 Republicans, Moderate  
 Republicans, Radical  
 Ross, Edmund G.  
 Schurz, Carl  
 Seymour, Horatio  
 Sherman, John  
 Stalwarts  
 Stanton, Edwin M.  
 Stevens, Thaddeus  
 Sumner, Charles  
 Tenure of Office Act (1867)  
 Tilden, Samuel J.  
 Trumbull, Lyman  
 Wade, Benjamin Franklin  
 Wilson, Henry  
 Woodhull, Victoria C.

**Organizations and Institutions**

Abolitionists  
 American Missionary Association (AMA)  
 Black Troops (U.S.C.T.) in the Occupied South  
 Bureau of Refugees, Freedmen, and Abandoned Lands  
 Cabinets, Executive  
 Churches  
 Cincinnati Convention (1872)  
 Constitutional Conventions  
 Democratic Party  
 Fortieth Congress, Extra Session of (1867)  
 Freedman's Savings and Trust Company  
 Freedmen's Relief Societies  
 Garrison, William Lloyd

Greeley, Horace  
 Gun Clubs  
 House Judiciary Committee  
 Howard, Oliver Otis  
 Joint Committee on Reconstruction  
 Joint Select Committee on the Conduct of the War  
 Ku Klux Klan (KKK)  
 Militias  
 National Union Movement (1866)  
 National Union Party (1864)  
 New Departure  
 Phillips, Wendell  
 Railroads  
 Red Shirts  
 Republicans, Liberal  
 Republicans, Moderate  
 Republicans, Radical  
 Scalawags  
 Southern Claims Commission (SCC)  
 Stalwarts  
 Supreme Court  
 Taxpayers' Conventions  
 Union League of America  
 U.S. Army and Reconstruction  
 White League  
 Women's Movement

**Political Issues**

Abolition of Slavery  
 African Americans  
 Amnesty Proclamations  
 Annual Messages of the President  
 Black Codes  
 Black Politicians  
 Black Suffrage  
 Bloody Shirt  
 Bourbons  
 Bureau of Refugees, Freedmen, and Abandoned Lands  
 Carpetbaggers  
 Cincinnati Convention (1872)  
 Civil Rights  
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Confiscation Acts  
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 Contraband, Slaves as  
 Democratic National Convention (1868)  
 Democratic Party  
 Disfranchisement  
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 Elections of 1868  
 Elections of 1876  
 Electoral Commission of 1877  
 Emancipation  
 Enforcement Act (1875)  
 Enforcement Acts (1870, 1871)  
 Fifteenth Amendment (1870)  
 Fortieth Congress, Extra Session of (1867)  
 Fourteenth Amendment (1868)  
 Freedmen's Bureau Bills  
 House Judiciary Committee  
 Impeachment of Andrew Johnson  
 Joint Committee on Reconstruction  
 Joint Select Committee on the Conduct of the War  
 Loyalty Oaths  
 Military Reconstruction Acts (1867-1868)  
 National Union Movement (1866)  
 National Union Party (1864)  
 New Departure  
 Pardons  
 Patronage  
 Provisional Governors  
 Readmission  
 Recusants  
 Redemption  
 Republicans, Liberal  
 Republicans, Moderate  
 Republicans, Radical  
 Scalawags  
 Southern Homestead Act (1866)  
 Stalwarts  
 Suffrage  
 Swing Around the Circle (1866)

Tenure of Office Act (1867)  
 Thirteenth Amendment (1865)  
 U.S. Constitution  
 Washington's Birthday Speech (1866)  
 Women's Movement

**Race Relations**

Abolitionists  
 Abolition of Slavery  
 African Americans  
 American Missionary Association (AMA)  
 Black Codes  
 Black Politicians  
 Black Suffrage  
 Black Troops (U.S.C.T.) in the Occupied South  
 Bloody Shirt  
 Bourbons  
 Brooks-Baxter War (Arkansas)  
 Brownlow, William G. ("Parson")  
 Bruce, Blanche Kelso  
 Bureau of Refugees, Freedmen, and Abandoned Lands  
 Cain, Richard Harvey  
 Carpetbaggers  
 Churches  
 Civil Rights  
 Civil Rights Act of 1866  
 Civil Rights Act of 1875  
 Confiscation Acts  
 Congressional Reconstruction  
 Constitutional Conventions  
 Contraband, Slaves as  
 Contracts  
 Davis Bend, Mississippi  
 Delany, Martin R.  
 Disfranchisement  
 District of Columbia, Black Suffrage in  
 Douglass, Frederick  
 Edisto Island, South Carolina  
 Elliott, Robert B.  
 Emancipation  
 Enforcement Act (1875)  
 Enforcement Acts (1870, 1871)  
 Field Order No. 15  
 Fifteenth Amendment (1870)  
 Forrest, Nathan Bedford

- Fourteenth Amendment (1868)  
 Freedman's Savings and Trust Company  
 Freedmen's Bureau Bills  
 Freedmen's Relief Societies  
 Garrison, William Lloyd  
 Gary, Martin Witherspoon  
 Gordon, John B.  
 Gun Clubs  
 Hampton, Wade, III  
 Howard, Oliver Otis  
 Jim Crow Laws  
 Johnson, Andrew  
 Joint Committee on Reconstruction  
 Kirk-Holden War (1869-1870)  
 Ku Klux Klan (KKK)  
 Labor Systems  
 Lincoln, Abraham  
 Lost Cause  
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 Military Reconstruction Acts (1867-1868)  
 Militias  
 Nast, Thomas  
 New Orleans Riot (1866)  
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 Phillips, Wendell  
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 Republicans, Radical  
 Sharecropping  
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 Southern Homestead Act (1866)  
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 Tourgée, Albion Winegar  
 Union League of America  
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- Republicans**  
 Abolitionists  
 Adams, Charles Francis, Jr.  
 Adams, Charles Francis, Sr.  
 Akerman, Amos Tappan  
 Alcorn, James Lusk  
 Ames, Adelbert  
 Ashley, James M.  
 Atkinson, Edward  
 Bingham, John A.  
 Black Politicians  
 Blaine, James G.  
 Blair, Francis P., Sr.  
 Boutwell, George S.  
 Bristow, Benjamin  
 Brownlow, William G. ("Parson")  
 Bruce, Blanche Kelso  
 Bullock, Rufus B.  
 Butler, Benjamin Franklin  
 Cain, Richard Harvey  
 Cardoza, Francis L.  
 Carpetbaggers  
 Chamberlain, Daniel Henry  
 Chandler, Zachariah  
 Chase, Salmon Portland  
 Clayton, Powell  
 Colfax, Schuyler  
 Congressional Reconstruction  
 Conkling, Roscoe  
 Cox, Jacob Dolson  
 Dawes, Henry Laurens  
 Elections of 1864  
 Elections of 1866  
 Elections of 1867  
 Elections of 1868  
 Elections of 1876  
 Elliott, Robert B.  
 Fessenden, William Pitt  
 Garfield, James Abram  
 Grant, Ulysses S.  
 Greeley, Horace  
 Grimes, James W.  
 Hahn, Georg Michael Decker  
 Hayes, Rutherford Birchard  
 Hunnicutt, James W.  
 Impeachment Managers  
 Joint Committee on Reconstruction  
 Joint Select Committee on the Conduct of the War  
 Julian, George Washington  
 Kellogg, William Pitt  
 Lincoln, Abraham  
 Lynch, James D.  
 Morrill, Justin Smith  
 Morton, Oliver P.  
 Moses, Franklin J., Jr.  
 Pierpont, Francis H.  
 Pope, John M.  
 Rainey, Joseph Hayne  
 Rapier, James Thomas  
 Recusants  
 Reed, Harrison  
 Republicans, Liberal  
 Republicans, Moderate  
 Republicans, Radical  
 Revels, Hiram R.  
 Reynolds, Joseph J.  
 Ross, Edmund G.  
 Scalawags  
 Schurz, Carl  
 Scott, Robert K.  
 Sherman, John  
 Smalls, Robert  
 Smith, William H.  
 Stalwarts  
 Stanton, Edwin M.  
 Stevens, Thaddeus  
 Sumner, Charles  
 Tenure of Office Act (1867)  
 Tourgée, Albion Winegar  
 Trumbull, Lyman  
 Twitchell, Marshall H.  
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 Wade, Benjamin Franklin  
 Warmoth, Henry Clay  
 Whipper, William J.  
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- Resistance to Congressional Reconstruction**  
 African Americans  
 Alabama  
 Arkansas  
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 Belmont, August  
 Bennett, James Gordon, Jr.  
 Black Politicians  
 Black Suffrage  
 Blair, Francis P., Jr.  
 Bloody Shirt  
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 Brown, Joseph Emerson  
 Cincinnati Convention (1872)

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Congressional Reconstruction  
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Democratic National  
  Convention (1868)  
Democratic Party  
Disfranchisement  
Elections of 1866  
Elections of 1868  
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Enforcement Act (1875)  
Enforcement Acts (1870, 1871)  
Fourteenth Amendment (1868)  
Gary, Martin Witherspoon  
  Georgia  
Gordon, John B.  
Greeley, Horace  
Gun Clubs  
Hampton, Wade, III  
Impeachment of Andrew  
  Johnson  
Jim Crow Laws  
Johnson, Andrew  
Kentucky  
Kirk-Holden War (1869-1870)  
Ku Klux Klan (KKK)  
Lindsay, Robert  
Lost Cause  
Louisiana  
*McCardle, Ex parte* (1868)  
Memphis Riot (1866)  
Militias  
*Milligan, Ex parte* (1866)  
Mississippi  
National Union Movement (1866)  
New Orleans Riot (1866)  
Nicholls, Francis Redding Tillou  
North Carolina  
Pardons  
Parsons, Lewis E.  
Pike, James Shepard  
Race Riots  
Redemption  
Red Shirts  
Republicans, Liberal  
Scandals  
Seymour, Horatio  
Shotgun Plan  
*Slaughterhouse Cases* (1873)  
South Carolina  
Supreme Court

Swing Around the Circle (1866)  
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Texas  
Throckmorton, James W.  
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Virginia  
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  (1866)  
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### **Southern Politics and Politicians**

African Americans  
Aiken, D. Wyatt  
Akerman, Amos Tappan  
Alabama  
Alcorn, James Lusk  
Ames, Adelbert  
Amnesty Proclamations  
Arkansas  
Black Politicians  
Black Suffrage  
Bloody Shirt  
Bourbons  
Brooks-Baxter War (Arkansas)  
Brown, Joseph Emerson  
Brownlow, William G.  
  ("Parson")  
Bruce, Blanche Kelso  
Bullock, Rufus B.  
Bureau of Refugees, Freedmen,  
  and Abandoned Lands  
Cain, Richard Harvey  
Cardoza, Francis L.  
Carpetbaggers  
Chamberlain, Daniel Henry  
Clayton, Powell  
Compromise of 1877  
Congressional Reconstruction  
Constitutional Conventions  
Davis, Edmund J.  
Davis, Jefferson Finis  
De Forest, John William  
Delany, Martin R.  
Disfranchisement  
Dunn, Oscar James  
Elliott, Robert B.

Forrest, Nathan Bedford  
Gary, Martin Witherspoon  
Georgia  
Gordon, John B.  
Hahn, Georg Michael Decker  
Hampton, Wade, III  
Holden, William Woods  
Humphreys, Benjamin Grubb  
Hunnicut, James W.  
Jenkins, Charles J.  
Kellogg, William Pitt  
Kentucky  
Kirk-Holden War (1869-1870)  
Ku Klux Klan (KKK)  
Lindsay, Robert  
Longstreet, James  
Lost Cause  
Louisiana  
Loyalty Oaths  
Lynch, James D.  
Lynch, John R.  
Marvin, William  
Maryland  
Mississippi  
Moses, Franklin J., Jr.  
Nast, Thomas  
New Departure  
New South  
Nicholls, Francis Redding Tillou  
North Carolina  
Orr, James L.  
Packard, Stephen B.  
Pardons  
Parsons, Lewis E.  
Patronage  
Patton, Robert M.  
Perry, Benjamin F.  
Pierpont, Francis H.  
Pike, James Shepard  
Pinchback, Pinckney Benton  
  Stewart  
Provisional Governors  
Rainey, Joseph Hayne  
Rapier, James Thomas  
Redemption  
Reed, Harrison  
Revels, Hiram R.  
Reynolds, Joseph J.  
Scalawags  
Scandals  
Scott, Robert K.  
Sharkey, William L.

- Shotgun Plan  
 Smalls, Robert  
 Smith, William H.  
 South Carolina  
 Taxpayers' Conventions  
 Tennessee  
 Texas  
 Throckmorton, James W.  
 Tourgée, Albion Winegar  
 Twitchell, Marshall H.  
 Union League of America  
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 Virginia  
 Warmoth, Henry Clay  
 Wells, James M.  
 West Virginia  
 Whipper, William J.  
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 Worth, Jonathan
- Wartime Reconstruction**  
 Abolition of Slavery  
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   President  
 Arkansas  
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   Lincoln  
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 Bureau of Refugees, Freedmen,  
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 Butler, Benjamin Franklin  
 Cabinets, Executive  
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   Conduct of the War  
 Lincoln, Abraham  
 Louisiana  
 Loyalty Oaths  
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*Milligan, Ex parte* (1866)  
 National Union Party  
   (1864)  
 Pierpont, Francis H.  
 Port Royal Experiment  
 Presidential Reconstruction  
 Republicans, Moderate  
 Republicans, Radical  
 Seward, William H.  
 South Carolina  
 Suffrage  
 Tennessee  
 Thirteenth Amendment  
   (1865)  
 U.S. Army and Reconstruction  
 U.S. Constitution  
 Wade, Benjamin Franklin  
 West Virginia



# FOREWORD

Nearly a century and a half after the nation's greatest crisis, the Civil War retains its fascination for millions of Americans, but the Reconstruction era that followed remains a much misunderstood period of American history. Reconstruction was both a specific time period, which began during the Civil War, and a prolonged and difficult process by which Americans sought to reunite the nation and come to terms with the destruction of slavery. As a time period, Reconstruction ended in 1877, when the federal government abandoned the policy of intervening in the South to protect the rights of black citizens. As a historical process, it lasted to the turn of the century, until new systems of labor and race relations and a new political order were entrenched in the South.

During Reconstruction, Congress engaged in a bitter struggle with President Andrew Johnson over the definition of American citizenship, culminating in the first impeachment of a president. The United States had its first confrontation with widespread terrorism in the form of the Ku Klux Klan. However, the era also produced enduring achievements, including the ratification of the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution; the creation of religious, educational, and political institutions by the newly freed slaves; and their entrance onto the stage of American politics as voters and officeholders. At the dawn of the twenty-first century, the unresolved legacy of Reconstruction remains a part of our lives. In movements for social justice that have built on the legal and political accomplishments of Reconstruction, and in the racial tensions that still plague American society, the momentous events of Reconstruction reverberate in modern-day America.

As Richard Zuczek explains in the introduction to this volume, for many decades, Reconstruction was tragically misunderstood by both historians and the broader public. Academic monographs, popular books, and films portrayed Reconstruction as the lowest point in the entire American saga. According to



this view, the vindictive Radical wing of the Republican Party, motivated by hatred of the South, overturned the lenient plans for national reunion designed by Abraham Lincoln and his successor, Andrew Johnson, and imposed black suffrage on the defeated Confederacy. A sordid period of corruption and misrule followed, presided over by unscrupulous political opportunists from the North (derisively termed “carpetbaggers”), southern whites who abandoned their racial and regional loyalties to cooperate with the Radical Republicans (the so-called “scalawags”), and the former slaves, who were allegedly unprepared for the freedom that had been thrust upon them and unfit to participate in government. Eventually, “patriotic” organizations like the Ku Klux Klan overthrew this “misgovernment” and restored “home rule” (a euphemism for white supremacy) to the South.

All history, the saying goes, is contemporary history, in the sense that historical interpretation both reflects and shapes the world in which the historian lives. No period in America’s past better illustrates this idea than the era of Reconstruction. The portrait of Reconstruction that so long held sway originated in the contemporary propaganda of southern Democrats opposed to black suffrage and office holding after the Civil War. It gained national legitimacy when it became part of the overall process of reconciliation between North and South that gathered force in the 1880s and 1890s. The road to what the great black abolitionist Frederick Douglass derisively referred to as “peace among the whites” was paved with African Americans’ broken dreams of genuine equality and full citizenship. The prevailing account of Reconstruction during the first half of the twentieth century formed an ideological pillar of the system of white supremacy. It provided justification for the white South’s unalterable opposition to change in race relations, and for decades of northern indifference to the nullification of the Fourteenth and Fifteenth Amendments. Time and again, white southerners invoked the alleged horrors of Reconstruction to justify racial segregation and the disfranchisement of the region’s black voters.

This image of Reconstruction did not go entirely unchallenged, but it was not until the civil rights revolution (sometimes called the Second Reconstruction) that it was finally abandoned by historians. Since 1960, scholars have overturned virtually every assumption of the traditional viewpoint, abandoning the racism at the base of that interpretation and presenting Reconstruction as a laudable attempt to put into effect the principle of equal citizenship for all Americans. In this scholarship, the reputations of Andrew Johnson, the Radicals, carpetbaggers, scalawags, and Klansmen have all been revised, but the most sweeping transformation has been the new emphasis on the centrality of the black experience to understanding the era. Rather than passive victims of the actions of others, a “problem” confronting white society, or an obstacle to reunion, blacks were active agents in overthrowing slavery, winning the Civil War, and shaping Reconstruction. Although thwarted in their quest for land-ownership, the former slaves’ demands for civil and political rights and their efforts to create schools, churches, and other institutions of freedom proved crucial to establishing the social and political agenda of Reconstruction.

Today, the greatest obstacle to a broad appreciation of the history of Reconstruction and its centrality to the American experience is not so much

misinformation as ignorance. A recent nationwide survey of college seniors found that fewer than 30 percent could identify Reconstruction. Nonetheless, important scholarship on Reconstruction continues to appear, adding further to our understanding of the era. Work on the development of new labor systems after the end of slavery, and on the legal and constitutional changes of Reconstruction, has continued to flourish. Scholars have examined the roots in slavery of black political mobilization during Reconstruction, and have devoted new attention to the experience of women, white and black, in the postwar South.

This encyclopedia is the first volume to offer a comprehensive portrait of Reconstruction, based on the most up-to-date scholarship. As such, it should be welcomed by professional historians and by a far broader audience of readers interested in gaining insight into this crucial era of the American past. Today, we still debate questions arising from Reconstruction: the rights of American citizens, the proper roles of the state and federal governments, the possibility of interracial political coalitions, affirmative action, reparations for slavery, the proper ways for the government to protect citizens against terrorist violence, and the relationship between political and economic democracy. These and other issues of our own time cannot be properly understood without knowledge of how they were debated during Reconstruction. As long as questions placed on the national agenda during Reconstruction remain unresolved, the era will remain relevant to modern-day America.

Eric Foner



# PREFACE

The *Encyclopedia of the Reconstruction Era* represents a major reference work in the field of American Reconstruction. It is not the purpose of these volumes to explore all things American during this period, and the editor is aware that important people and events have been excluded. The focus is Reconstruction, as a period, a process, and a result. Even with that limited scope, the *Encyclopedia* cannot cover all people and occurrences relevant to Reconstruction; like the Civil War that preceded and produced it, Reconstruction occurred from Washington to Vermont to Texas; involved millions of politicians, soldiers, former slaves, and former confederates; had economic, religious, political, constitutional, and social dimensions; and encompassed different goals, agendas, and results, all depending on whom you asked and when you asked them. The editor, in consultation with the contributors and Greenwood Press, made conscious decisions about what to include and what not to include in the hopes of balancing girth with merit. The final entry list represents what we believe are the most important, useful, and pertinent elements of Reconstruction.

Intended for use by students, general readers, and researchers, the *Encyclopedia* is not without its idiosyncrasies, some due to the publisher's policy decisions, some stemming from choices of the editor, and some the natural result of a large work composed by several score of authors. The *Encyclopedia* has three main sections, in addition to the general front matter and back matter. More than 260 entries, many of which are illustrated, comprise the bulk of the volumes; the Primary Documents section provides twenty-six documentary materials from the Reconstruction period; and the three appendixes provide tables and lists of use to the Reconstruction researcher and of interest to the student and general reader. Appendix 1 lists the commanding generals of the five Reconstruction military districts; Appendix 2 lists all the Reconstruction governors in the former Confederate states; and

Appendix 3 supplies the dates of readmission, redemption, and passage of the Thirteenth and Fourteenth Amendments in all the former Confederate states.

The entries are arranged alphabetically, with biographical entries alphabetized by surname (**Ames, Adelbert**) and events by description, not by year (**Elections of 1866**). The entries themselves are structured to be user-friendly. Each has its headword, followed by the main text. Within the text, cross-references to other entries appear in **bold**, a device that also has been used in the Introduction. Longer entries are divided by subheads to allow readers to find pertinent sections more quickly. All entries have “See also” cross-references and “Further Reading” sections after the main text. The “See alsos” refer the reader to related items, but do not duplicate the internal cross-referencing within the entry itself. The “Further Reading” section presents the essentials for that topic—the best, most classic, or most recent works, rather than an exhaustive bibliography. A Bibliography of important general and classic works is also included in the back matter.

In most cases, the more formal labels for terms have been used, but, as with any encyclopedia, readers may need to be flexible and imaginative in locating an entry. For instance, readers seeking information on the economic depression of 1873 will not find the twentieth-century terms “depression” or “recession.” Instead, that event is listed under its nineteenth-century name, **Panic of 1873**. Researchers interested in fraud and corruption will find such under **Scandals**. The Freedmen’s Bureau is listed under its official name, the **Bureau of Refugees, Freedmen, and Abandoned Lands**, and so forth.

Those unfamiliar with Reconstruction may be perplexed by inconsistencies in some terms. For example, readers will see blacks, freedmen, freedpeople, and **African Americans** seemingly used interchangeably. While there is some latitude in Reconstruction studies, the switching is often deliberate, to either avoid constant repetition, avert an awkward phrasing (“white and black males” is simpler than “white and African American males”), or make a clear distinction. For example, “freedpeople” specifically refers to former slaves, not all African Americans in the country, or even in the South. Such distinctions may be important to the information at hand. Usage of “confederate” and “Confederate” may also pose problems. In most cases, lower-case confederate refers to an individual, whereas Confederate refers to the political entity (“former confederates” but the “former Confederate states”).

The term “conservative” will also appear frequently, sometimes as a noun and sometimes as an adjective. The implication is the same, merely the part of speech has changed; both refer to those who seek stability and the status quo and reject sudden or significant changes in order or routine. As an adjective, conservative can be applied at any time, such as conservative Republicans who opposed support for black civil rights. As a noun, conservative commonly refers to white Democrats in the South, and is probably more synonymous with former confederates or Democrats. In Reconstruction writing, many authors use southern Democrats, former confederates, and conservatives almost interchangeably.

Users might find the lack of certain obvious entries confusing. There is no entry on the Republican Party, for example. For the Reconstruction period, the editor decided it was of greater benefit to discern between different types

of Republicans. Thus, there are entries for **Republicans, Liberal, Republicans, Moderate**, and **Republicans, Radical**. Similarly, there is no entry for “Wartime Reconstruction.” This phase, directed by President Abraham Lincoln, is included in the larger entry **Presidential Reconstruction**. Researchers can always consult the detailed subject index for aid in locating items.

The *Encyclopedia* also includes a Guide to Related Topics, which allows users to quickly and easily trace broad and important themes across the entries, and a Chronology, which lists the dates of the most important events of the period in a readable format. Finally, the *Encyclopedia* includes two maps, one showing the Reconstruction military districts and each state’s date of readmission and redemption, and another showing the density of slave populations across the South.

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It is fitting that Greenwood Press ask for an author’s acknowledgments after he or she has nearly completed the project. Only then can the full measure of debt be calculated. I have written monographs, edited documentary editions, published essays and articles, and have even cowritten an encyclopedia, but this undertaking, begun in the summer of 2003, surpassed all those in complexity. True, the *Encyclopedia of the Reconstruction Era* is not a work of controversial interpretation, nor does it offer breathtaking new theories or research. Rather, it is a reference work, composed by the best of the best, offering what I hope is a thorough, balanced, and approachable guide to one of the most complex and fascinating chapters in our nation’s history.

As such, this project brought all my abilities to bear, from an intellectual understanding of the material, to a need to “politik” the right people into participating. My logistical and administrative skills were as challenged as my writing and researching abilities. The undertaking proved far grander, more draining, and more rewarding than I ever conceived, but to paraphrase Abraham Lincoln while lauding the U.S. Navy in the Civil War, this project might never have been completed without the assistance I had, and without substantial aid certainly would not have been completed in the same time and manner. The team at Greenwood Press—Mike Hermann, John Wagner, Mariah Gumpert, Shana Grob, and Liz Kincaid, to name a few—has been patient yet attentive, and has gone beyond the call of duty. They provided just the right level of oversight, allowing me to call the shots when my expertise allowed, yet taking the lead on subjects when asked. My gratitude also goes to the contributors who composed most of this volume, from emeriti professors to overworked junior faculty, from freelance authors to editors; these folks are the ones really responsible for creating this work. I am especially grateful to Professor Eric Foner, not only for his Foreword and his graciousness, but also (rumor has it) for possibly being the reason Greenwood came to me with this opportunity.

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# INTRODUCTION

In American history, “Reconstruction” is the term generally applied to the period 1862–1877, during which the United States sought to bring order from the tremendous social, political, economic, physical, and constitutional changes wrought by secession and the Civil War. The decision by eleven southern states to attempt secession and reject the national government—and more important, the decision by the federal government under President **Abraham Lincoln** to deny that attempt and enforce federal law—unleashed forces that forever changed the American Republic. Some of these forces, and some of the changes that resulted, were confined to the war years. Others, once released, could not be contained. These included the **abolition of slavery**, the expansion of governmental power and constitutional jurisdiction, the rise of the Republican Party, the explosion of northern industry and the national market, and the appearance of a social dynamism that supported struggles by new social groups for political and civil equality.

Unfortunately, the drama of the Civil War often overshadows the importance of the Reconstruction period. In American history courses and Civil War classes and texts alike, Reconstruction is all too often summed up in nearly useless ways, or ignored altogether. The tendency to minimize the topic, or even avoid it when possible, certainly is not due to an historical emptiness, the reason perhaps why Americans can never name those evasive, forgettable presidents of the late nineteenth century. No, historians agree that Reconstruction was a period of immense importance for the nation. Perhaps instead it is the need for closure, for a clear ending. Appomattox (Virginia, where Lee surrendered to Grant) is far more satisfying for Americans, both then and now, than dates of **readmission**, nebulous court decisions, or controversial compromises.

Expanding on this, perhaps it is because when compared to the glorious, tangible, and rather straightforward years of the Civil War, Reconstruction



seems an aimless denouement, a rambling collage of amendments and acts, generals and politicians, former slaves and former confederates, with constantly shifting historical views on who was right, who was wrong, who was important, who won, and who lost. The relatively one-dimensional clarity of the war, where such questions had clear answers, is more comfortable than the fuzzy, ambiguous nature of its aftermath.

Yet this ambiguity is necessary for an honest approach to Reconstruction. The confusion experienced by scholars for more than a century is easily understandable when we recognize that in the 1860s and 1870s, the nation itself could not fully understand Reconstruction. This “problem of Reconstruction” is not a creation of historians; it is an accurate portrayal of the anxieties and complexities that faced the nation at the time. Questions of the definition of Reconstruction, its process and direction, its scope and purpose, all perplexed contemporaries, just as they perplex us today. Debates over its goals, its fundamental players and drivers, and its successes, failures, and ultimate consequences are as vibrant and pertinent today as they were more than a century ago. Thus, the problem of Reconstruction is not new, not easily defined, and certainly not easily answered. This difficulty perhaps best explains our tendency to skirt the topic and move on.

For many reasons (some of which will be explored in these volumes), Reconstruction posed an insurmountable dilemma to its contemporaries, but two general issues comprised the heart of the problem. The first lay with the irony of the American Civil War. For both the Confederacy and the United States, Americans North and South fought to defend and thus preserve the nation as *they understood it should be*. Yet both sides, in fighting to preserve their vision of the nation, destroyed that society forever. As the war progressed, the United States of 1861 passed away into memory, and no one knew what would replace it. It seemed obvious that the victors might dictate the shape and direction of the new United States, but the essence of that shape and the goal of that direction were far from obvious when the war ended.

The second reason why Reconstruction posed such a dilemma is simply that no one expected it. For the most part, combatants and politicians, women and men, northerners and southerners, assumed the war would be short and reconciliation would be either brief (due to northern victory) or immaterial (because of a southern one). Instead, the war dragged on, and the costs—human, financial, and material—mounted month after month, year after year. As the illusions of a short war evaporated, the opposing governments resorted to more imaginative, more extreme, and ultimately more destructive means of prosecuting the war. First **emancipation** and then abolition, the vast physical devastation of the South, amendments to the national Constitution, even the victor’s demands for contrition and cultural purging stemmed from the length, scope, and costs of the war. No one anticipated the totality, the viciousness, and the intensity of the struggle, and as a result, no one was prepared to deal with its consequences. Who should direct Reconstruction? How should the federal government treat the conquered states, their governments, and their soldiers? What would be the future of the freedpeople in the new republic? How would the war alter the Constitution, the party system, even the

American economy? These questions and others stymie us now just as they stymied Americans then, for no one foresaw a process or a result we call Reconstruction.

## Reconstruction Historiography

Because of these complexities, Reconstruction has developed into a historical field with more than its share of trends, interpretations, and reinterpretations. In fact, the *historiography* of Reconstruction, the “history of the history,” is so rich and contentious that its ebb and flow has garnered almost as much interest as the history itself.

There was a time when a consensus on the period did exist, at least among most scholars. In the late nineteenth and early twentieth centuries, when **Jim Crow laws** defined the American South and cultural anthropologists were busy defining human development based upon racist skin-colored levels, there seemed, in fact, little controversy. The overall perception regarding Reconstruction was pointedly negative. William Dunning’s *Reconstruction, Political and Economic*, published in 1905, best epitomized the historical view of the period. The “Dunning School,” as it came to be called, blamed white Republicans—and their ignorant tools, the barbaric former slaves—for the vicious, unwarranted retribution wreaked upon the beaten, downtrodden, and penitent South. Even the titles of the histories evoked a sense of doom and destruction: *The Tragic Era*, for instance, or *The Age of Hate*. The entire experiment was unnecessary, inhumane, unsuccessful, and, of course, un-American. Most of white America concurred; this was an age of national reconciliation and national forgetfulness, when northerners, southerners, and westerners alike embraced the **Lost Cause**, and applauded white progress and proficiency. At a time when Americans were conquering Cuba, Puerto Rico, Hawaii, and the Philippines, who was ready to interject the notion of racial equality? This was a time when the lynching of **African Americans** was too common, when a new generation of the **Ku Klux Klan** exploded in membership, when Thomas Dixon’s racist *The Clansman* was translated into film as D. W. Griffith’s epic *Birth of a Nation*, a film praised by such social progressives as President Woodrow Wilson himself. For the next several decades, historians such as John Burgess, Claude Bowers, Walter Fleming, and E. Merton Coulter painted Reconstruction as an abysmal failure, replete with corruption, **scandals**, debauchery, rape, murder, and a near-complete overthrow of civilization in the South.

As the United States took up the mantle of freedom and democracy in the middle of the twentieth century, historians began to see Reconstruction in a more favorable light. This was not surprising, given that events of that period stressed freedom, shamed tyranny and oppression, excoriated state-sponsored racism, and extolled the value of positive government activism in economic crisis and war. Certainly it did not require a crusade against fascism to motivate W.E.B. Du Bois, black activist and arguably the first African American Ph.D. from Harvard. In the mid-1930s, Du Bois seemed a lone voice calling for a reconsideration of the horribly skewed interpretation of Reconstruction. Du Bois began a personal crusade aimed at exposing the half-truths, deposing the

conservative white saviors, and imposing the active and healthy role of blacks into the Reconstruction framework. By the 1940s, he was joined by other so-called “revisionists,” including Howard K. Beale and another African American Ph.D. from Harvard, John Hope Franklin, scholars who approached the period in search of national themes, underlying motivations, and real, not romanticized, consequences. Soon these and other historians—C. Vann Woodward, David H. Donald, Kenneth Stampp, Joel Williamson, Vernon Lane Wharton, and Hans Trefousse, to name a few—reshaped Reconstruction historiography almost entirely. The freedpeople, the army, congressional Republicans, and even **carpetbaggers** became noble warriors in a valiant effort. In a reversal of fortune, figures such as **Andrew Johnson**, the old planter class, **Bourbons**, and Redeemers were cast as regressive, troublesome, racist guardians of a dying age. Although new in focus, the revisionists could not entirely escape certain established fundamentals: Some entrenched African American stereotypes remained, as did grudging acknowledgments that Reconstruction’s accomplishments, while significant, were few and far between. Sadly, while the classic “Dunning” view of Reconstruction lay in the dust, it had taken new scholars, new techniques, new evidence, and decades of economic depression and global warfare to bring the misguided edifice down.

While the revisionists’ views remain vibrant and meaningful to this day, they too have undergone challenges. By the latter 1960s and 1970s, the revisionists found themselves sharing the discipline with a new breed of investigators, the “neorevisionists,” or “postrevisionists” (this editor prefers “postrevisionists” and often terms some of the more recent authors “neorevisionists,” as discussed below). This historical trend argued that the moralities and virtues of either side meant little because, ultimately, Reconstruction’s successes were minimal, and changes in the South cosmetic. To be sure, the Union was saved and slavery was abolished, *but these were results of the war, not of Reconstruction*; the postwar years were composed of grand promises, great expectations, and minimal results. The New South seemed to differ only superficially from the Old South. As this Introduction and the subsequent volumes will explore, even before Reconstruction ended, white conservatives—many of them former confederates—were back in power, former slaves were legally (and illegally) relegated to inferior status, and the southern economy was firmly in the hands of white landowners. A convergence of apathy and deliberation even undercut the possibilities inherent in the three Reconstruction amendments. Indeed, the work by such historians as Michael Les Benedict, William McFeely, Harold Hyman, and William Gillette paints a rather depressing picture, not just because postrevisionists argue that so little was accomplished, but also because some of them question how much was even possible. Harsh as it seems, this indictment of nineteenth-century activism made sense after the closing of the “Second Reconstruction,” the **civil rights** era of the 1950s and 1960s. To men and women reared in the civil rights atmosphere, the successes, failures, and lessons of the 1860s and 1870s seemed particularly relevant a century later, as the nation again attempted to fulfill the promises of liberty and freedom, and again assessed why such spectacular opportunities produced such meager results.

Of course, the debate rages on as to how meager those results actually were and who was responsible for gaining—or preventing—them. More recently, Reconstruction historians have developed new strategies for dealing with these questions and controversies. Rather than a macro approach to winners and losers, change versus stasis, many scholars are following a more nuanced approach, by tackling specific slices of the Reconstruction era and southern society. After all, Reconstruction had many dimensions—regional, chronological, race-based, and even gender-based. State and local studies, for instance, have been popular as historians build a picture of Reconstruction from the ground up, rather than the top (federal level, for example) down. On a positive note, some researchers point to the South's progressive new state constitutions (some components of which survived **Redemption**); economic, financial, and urban expansion; and the appearance of a dynamic new capitalistic class that eagerly bonded with the North. New comparative methodologies also represent a fresh tack, such as in Peter Kolchin's examinations of American slavery and its abolition within an international framework, featuring other countries and other forced **labor systems** (such as serfdom).

As we have seen before, shifts in American society and trends in the historical profession often account for historiographic ebbs and tides. The “social history” surge has certainly influenced Reconstruction studies, so now politicians and white males must share the stage, as what I call “neorevisionists” tackle the problem of Reconstruction. A new focus on gender, family studies, and the African American community has reaped tremendous historical rewards. Asking heretofore unasked questions, and using evidence and a lens largely ignored, scholars are examining crucial aspects of the South's adjustment to war, defeat, occupation, and Reconstruction. In a region where the household was the basic unit of production and consumption, imagine the impact of devastation, emancipation, relocation, and military occupation. Add to that the loss of a third of the able-bodied white males, and the entire loss—from a property point of view—of nearly 4 million slaves. White and black, the growing recognition that *people*, as families and communities, passed through, changed, and were changed by war and Reconstruction has attracted unprecedented attention. Perhaps the grand ideals of Reconstruction—universal equality before the law, for instance—failed, but how can one disregard the incredible strides made during Reconstruction in black **education**, or in the development of black **churches**? Jacqueline Jones, George Rable, Catherine Clinton, Laura Edwards, Julie Saville, LeeAnn Whites, and Tera Hunter, coupled with the extensive and superb documentary publications under way at Ira Berlin's Freedmen's Project at the University of Maryland, have opened an entirely new subfield in Reconstruction historiography.

While many of these more recent studies seem desperate for a silver lining in the rain cloud, Reconstruction did, ultimately, fail. Just as this new generation has been asking new questions of new groups, so too researchers are revisiting such old questions as: Why did Reconstruction collapse? How did the New South develop? What role did the North play in this? Here, also, current dynamics of the historical profession have made inroads, as politics are now placed in context, alongside social movements, economic concerns, and even

cultural attitudes. Edward Ayers, Gavin Wright, Gaines Foster, David W. Blight, Nina Silber, and Heather Cox Richardson have forayed into what once seemed bland territory, and have crafted stunning, even unsettling theories about the course, the results, and the ultimate significance of Reconstruction.

All of this brings us back to the following question: With all these dilemmas and controversies, trends and interpretations, on what can historians agree? In part, this *Encyclopedia of the Reconstruction Era* is an answer to that, an attempt to gather in one place the “fundamentals” of Reconstruction. The *Encyclopedia* attempts to identify, define, and place in historical context the major individuals, events, decisions, movements, and issues that, taken together, present a detailed overview of Reconstruction in the United States. The focus is Reconstruction, not the United States during Reconstruction, and thus the compilation found here is not a thorough study of the United States at the time. Many important, interesting, and even obvious events and developments are not included here if they are not relevant to Reconstruction. Readers will find little of the West and foreign policy, for instance, not because these topics are unimportant but because they do not fit the parameters of this encyclopedia.

So again we face a set of basic questions: What was Reconstruction? When did it occur? Simply put, Reconstruction represented an attempt to bring order out of the chaos wrought by secession and civil war. Thousands of players were involved, at scores of levels, possessing a variety of goals and interests. Everyone agreed that the disruption, dislocation, and devastation of war called for a response and created a need for order, but of what sort? A **Georgia** planter’s view of bringing order certainly differed from that of a former slave, just as the goals of a Republican congressman from Ohio might differ from those of a Union general or a **scalawag** from **Virginia**. It is said that nature hates a vacuum, so the war and its aftermath saw a flurry of activity and a barrage of players trying their best to control their fate and their futures in the midst of unprecedented, unexpected change.

## **Reconstruction: An Overview**

Perhaps it is uncommon for an encyclopedia to have such an elaborate introduction, but the *Encyclopedia of the Reconstruction Era* is unique. Unlike many reference works, which are purely topical or thematic in nature, this encyclopedia is also periodic in scope. It covers a relatively well-accepted time frame, and the relationships between actors and events—the various *streams of causation*, as historians say—are significant during that period. Therefore, an overview of the period is helpful to supply some general context to the corpus that follows.

## **Wartime and Early Presidential Reconstruction**

The changes—and the controversies—that came to characterize Reconstruction began early in the Civil War. The ad hoc nature of these changes, their often dubious constitutional validity, and the varied and vocal responses they elicited, typified what historians call “wartime reconstruction.”

Some of the great questions of Reconstruction—the status of freedpeople, the readmission of former Confederate states, the argument over who would control any reconciliation process—found expression well before any formal process began. In the summer of 1861, just as the war opened, Congress ended slavery in the U.S. territories. A year later, in April 1862, Congress abolished slavery in the nation’s capital, and by July had moved to endorsing the backdoor emancipation espoused by a handful of aggressive Union generals; in the Second **Confiscation Act** of July 1862, Congress allowed federal troops to seize the personal property of those in rebellion. Whether interpreted as humanitarian efforts or simply necessary war measures, these acts carried huge ramifications, setting precedents for wartime actions that ignored peacetime consequences.

The president was not oblivious to the expanding nature of a war he tried so hard to control. By the spring of 1862, Abraham Lincoln had also taken the first steps toward political reconstruction (a word he avoided using) by setting up **military governors** and seeking out Unionist support to construct new southern state governments. By the summer of 1862, Lincoln privately professed to his **Cabinet** his desire for emancipation. Issued on September 22, the Preliminary Emancipation Proclamation declared that all slaves in areas still in rebellion, as of January 1, 1863, “shall be henceforth and forever free.” Slavery was now directly linked to the fate of the rebellion, and the president had begun flexing his authority as commander in chief. Yet little thought was given to the potential outcomes of the proclamation—the peace itself, or the fate of African Americans who might become free.

In 1863, with the dual victories of Gettysburg and Vicksburg and more Confederate territory falling under federal control daily, Lincoln announced his program for “restoration,” issuing his Proclamation of **Amnesty and Pardon** in December. The generous granting of pardons, open rejection of punitive or vengeful actions, and liberal view of allegiance (only 10 percent of 1860 voters needed to declare allegiance for a state to begin constituting a new government) represented another carrot-and-stick approach to ending the war and restoring the Union. Lincoln offered confederates a lenient alternative to continuing the war, while still hoping to safeguard his most precious gain—the acknowledgment of federal supremacy, including any federal measures relating to slavery (even including its possible abolition).

## President Lincoln and Congress Lock Horns

Lincoln’s plan pleased few in the North. **Abolitionists** and a growing pocket of aggressive Republicans in the army and Congress—**Radical Republicans** they would be called—wanted more change, more guarantees, and more punishment.

In July 1864, Congress responded to the presidential program by passing the **Wade-Davis Bill**. This proposal required a *majority* of eligible voters (not 10 percent) to take a **loyalty oath**, significantly restricted participation by former confederates in a new state government, and guaranteed some civil rights to freedpeople (former slaves). Lincoln refused to sign the bill into law, a so-called “pocket veto,” so the initiative never went into effect. Yet, neither

really did Lincoln's plan. Four states had begun reconstructing new governments under Lincoln's program—**Tennessee, Louisiana, Arkansas,** and Virginia—but Congress invoked its traditional prerogative of determining the validity of its members, and refused to admit the new representatives from the "Lincoln states." So as 1865 opened, the nation faced an odd dilemma. Although the war was drawing to a close with the U.S. government clearly triumphant, no one knew what would follow Union victory. Complexities that would plague Reconstruction were already in play—the gaps between federal policy and grassroots implementation, the uncertain status of the freedpeople, and the growing rift between the executive and legislative branches of government.

### **President Johnson Seizes the Initiative**

In early spring 1865, discussions over the future of Reconstruction took a backseat to celebrations of the future of the Union; it had been preserved, and the rebellion had been crushed. Congress adjourned in March, its jubilant members eager to return home to their constituents. Abraham Lincoln, victorious war president, never saw home again. Shot by John Wilkes Booth on April 14, Lincoln died early the next morning, and the unprecedented task of rebuilding the country fell to Vice President Andrew Johnson, a Unionist Democrat from Tennessee. With Lincoln dead, anxiety over the war evaporating, and Congress adjourned, President Johnson seized the opportunity and embarked on a program to quickly bring former Confederate states back into the Union. Like his predecessor, Johnson stressed speed, reconciliation, and executive oversight.

Johnson rejoiced in the Union's preservation, but failed to realize that in winning the war, the federal government had accrued tremendous military, political, and financial powers that were problematic for his small-town version of America. And, of course, slavery had been abolished, but the wartime controversy over how to deal with the slaves mutated into a postwar controversy over how to deal with the freedpeople. This last question was not new, but it had never been adequately answered. The war had swept slavery away, but what would replace it? What new economy, new social order, new system of relationships would appear?

Such matters were of no concern to the federal government, according to Johnson, whose brash program ignored many of the realities of post-Civil War America: the former confederates' recalcitrance and animosity, the tenuous nature of the freedpeople's freedom, and—perhaps most significantly—the earnest desire among northerners for real change in the South. The war's end provided opportunities for multiple groups holding competing visions and interests; the president, former confederates, African Americans in the South, and northern Republicans all looked forward to "reconstruction" with a mixture of anxiety and hope.

Johnson's program was simple. Former confederates either needed to take a loyalty oath or petition the president directly for a presidential pardon. Then, these "loyal" white southerners would create new state governments, nullify and repudiate secession and confederate debts (in other words, affirm that

neither ever existed or could exist), and draft new state constitutions that abolished slavery (emancipation was a personal manumission from slavery; abolition is the elimination of the system itself). Once complete, these states would be readmitted to Congress with all their rights and privileges intact. Johnson saw the war and the readmission process as vehicles for preserving the Union and humbling an oppressive planter elite, not for inciting economic, racial, or constitutional revolution. He believed that the traditional American system of state's rights federalism should reappear with the war's ending. So too should a new South, still a society ruled by local whites but one led by Unionists, merchants, and artisans; in other words, people like Johnson.

Through the summer of 1865, the former Confederate states elected new state governments, which, like Johnson himself, drastically misread the political and social atmosphere of the nation. Several states ignored some of Johnson's meager requirements, such as repudiating the Confederate debt, declaring secession null and void, and even ratifying the **Thirteenth Amendment**. Their most obnoxious blunder was passage of "**Black Codes**," laws crafted by the new southern state legislatures to regulate all aspects of black life in their respective states. To many white southerners, black codes created order out of chaos, stabilizing everything from labor needs to social relationships.

Many African Americans and northern Republicans believed differently, and saw the codes as an attempt to salvage a slave society. Some more radical individuals responded with demands for land confiscation, a total redistribution of southern land to secure economic power for blacks and punish former confederates. However, all agreed that the treatment of former slaves dredged up memories of the Old South, in total rejection of the spirit of emancipation and Confederate defeat. The losers were calling the shots, and the winners—or at least their southern allies—were subjected to their whims.

The final requirement facing Johnson's state governments, and their last collective misstep, was the election of new federal representatives. When the 1865 fall elections were over, half of the senators and representatives elected had served in either the Confederate Army or the Confederate government. This fact, added to the intransigence of the states toward Johnson's generous terms and the blatant arrogance apparent in the black codes, convinced northerners and their federal representatives gathering in Washington that the South seemed little, if at all, repentant.

### **Congressional Republicans Seek a Compromise**

Reminiscent of the earlier clash between Lincoln and Congress, Republicans blocked part of the president's program, and then sought an alternative to it. When it convened in December 1865, Congress refused to seat the new southern members. Then Republicans created the **Joint Committee of Fifteen on Reconstruction**, and began congressionally sponsored investigations in the South itself. Republicans also set to work on a series of bills that would allow the federal government to intervene on behalf of the former slaves and protect them from the outlandish public and private treatment



rampant in the South. In the spring of 1866, **Moderate Republicans** presented the **Freedmen's Bureau Bill** and the **Civil Rights Bill**, two measures attempting to bridge gaps between factions in the party, the Congress and the Executive, and the North and South.

In brief, while the measures could bolster federal oversight and clarify federal desires, they really sought to cajole the southern states into changing practices without fundamentally altering the Johnson governments. In March 1865, when abolition was imminent, the federal government had created the **Bureau of Refugees, Freedmen, and Abandoned Lands**. Usually called the Freedmen's Bureau, it provided support for the freedpeople as they transitioned from slave to free laborer. The Freedmen's Bureau established schools, oversaw and negotiated labor contracts, provided some rudimentary supplies and resources, and even operated land sales and rentals. The 1866 Freedmen's Bill extended the life of the agency, and infused new resources into it. The Civil Rights Bill was more significant; it directly affirmed black civil rights, made state-sponsored racial discrimination illegal, remanded certain violations to federal court jurisdiction, and overturned the black codes. While both assumed a more active and powerful federal presence, neither altered the political makeup of the southern governments or mentioned **black suffrage** (the right to vote).

Embarrassed by the de facto rejection of his program in December, President Johnson was in no mood to compromise. He vetoed both measures, and made his mistake worse by composing antagonistic veto messages. Johnson's vetoes so provoked Republicans that many Moderates grew exasperated with the president, and a unified front began to emerge. Republicans agreed that the South needed to accept defeat, federal supremacy, and some modicum of black rights, and if the Executive did not see to this, Congress would. In April 1866, the Republicans introduced the **Fourteenth Amendment**, passed the Civil Rights Act over Johnson's veto, and then proposed and passed a new Freedmen's Bureau Act in July.

The president sought alternate means of stabilizing the Union and protecting the Constitution. First, he tried to block implementation of the new program by urging the southern states not to ratify the Fourteenth Amendment. Second, he formally abandoned his wartime alliance with Republicans and created a new party, one opposed to African American rights, extensions of federal power, and modifications to the Constitution. Johnson believed his **National Union Movement** would attract anti-black northerners and win in the fall 1866 elections, ushering in a conservative, pro-Johnson Congress.

Again, the president was mistaken. Johnson and his alliance with white southerners had cost him dearly in the North, and this party only reaffirmed his leanings. Moreover, bloody summer clashes in the South between whites and African Americans and the president's ill-advised "**Swing Around the Circle**" campaign tour hardened northern hearts toward this new party while softening them toward the freedpeople. Although only a few northerners endorsed full equality or African American voting, when Republican newspapers and politicians depicted the choice as between innocent, helpless pro-Union former slaves, and vicious, belligerent former rebels, the groundswell of opposition could not be contained.

In many ways, the congressional **elections of 1866** served as a referendum on Reconstruction. The elections saw overwhelming Republican victories as President Johnson's National Union Party was trounced in a clear message about northern expectations for Reconstruction. The Congress-elect (which was scheduled to arrive in fall 1867) was so dominated by Republicans that it would be in effect "veto-proof," easily able to pass a measure with the requisite two-thirds majority to override a presidential veto. Yet, in the face of this message, the president stepped up his opposition to the Fourteenth Amendment, redoubling his efforts to have the southern governments derail its ratification. In the end, every former Confederate state save one—his own Tennessee—rejected the amendment (Tennessee was readmitted to Congress in the summer of 1866). Moderate Republicans watched in dismay as the last component of their compromise strategy collapsed.

### Republican Theories of Reconstruction

Even more than the president's vetoes the previous spring, Johnson's actions in the summer and fall of 1866 brought a sense of unity and purpose to the Republican Party. With both Johnson's new party and his southern governments discredited, and a more moderate Republican alternative rejected, a golden opportunity appeared for real change in the South.

Republicans, however, were anxious about how to proceed, and what sort of constitutional authority the Congress actually held. If Republicans were right, and ten southern states were not in the Union, not really "states" at all, then what were they? Some described the former Confederate states as "conquered provinces," which placed them in a pseudo-territorial status, not unlike areas the United States had purchased (such as the Louisiana Territory) or conquered (such as in the Mexican War). Radicals such as **Charles Sumner**, **Thaddeus Stevens**, and **George Julian** favored this theory because it placed nearly unlimited—albeit temporary—authority in congressional hands. This authority could bring sweeping changes to these "territories," including the black suffrage long argued for by Sumner, confederate **disfranchisement**, even the redrawing of borders and renaming of states. Stevens, on the other hand, advocated for an economic revolution based upon confiscation and redistribution of confederates' landholdings among the freedpeople. Those most radical proponents of drastic change often coupled the "conquered provinces" theory with the "guarantee clause" of the Constitution, Article IV, Section 4, which reads, "The United States shall guarantee to every State in this Union a Republican Form of Government" (Republican meaning a representative governing system, *not* the party). Radicals were ready to interpret this to mean Congress could use its powers to establish new, fairer, more representative governments that held to national standards and national laws. This would bring only minor changes to the North, where the African American population was small, but could spell political revolution in the South. Invoking the clause would also represent a significant expansion in federal authority; the "territorial" argument only saw power *before* readmission, but the guarantee clause made no differentiation. Thus, it could be applied *after* readmission as well, if Congress believed an unrepudiated system had emerged.

Some Radicals and Moderates alike espoused a “state suicide” model, which was not fundamentally different from another model, the “forfeited rights” idea. Both placed more direct blame on the South, and implied that the North had not so much dismantled the southern states as those states had plunged themselves into a constitutional void by their own action. Statelike entities still existed, with names and borders, but those entities had no governments, no leadership, and no rights or privileges that the federal government needed to recognize. Refusing to seat these states in Congress was an obvious example of this theory in action. The national government itself would bestow rights and privileges on the states, once the states were seen fit and ready to receive them.

But how would Congress determine when a state was fit and ready for readmission? This represented the greatest stumbling block toward Republican unity because critical differences existed between the most Radical designs—with black voting and land redistribution—and the more moderate approaches. Rather than arguing about the status of the states, lawyer Richard Henry Dana turned the question on its head. In a June 1865 speech, Dana predicted—and skirted—the “status” obstacle by merely insisting that the South and North had been “warring parties,” and that, as such, they were governed by certain principles of war. Whether a conflict is of an internal nature, between nations, or even between individuals, “war is over when its purpose is secured . . . the conquering party may hold the other in the grasp of war until it has secured whatever it has a right to require.” According to Dana, the North has a right to “hold the rebels in the grasp of war until we have obtained whatever the public safety and the public faith require.” In other words, Dana’s “grasp of war” approach focused on Reconstruction as a *result*, not merely as a process. His wonderfully vague euphemism nicely skirted much constitutional angst, and in many ways became an unofficial rationale for the congressional program.

### **The Alternative: Congressional (“Radical”) Reconstruction**

A Republican consensus was emerging on what that program should entail, and in March 1867, Republicans in control of Congress turned their considerable power toward instituting their version of Reconstruction.

That program was embodied in a series of measures called the **Military Reconstruction Acts**. Congress passed the first in March 1867, and followed with three supplements to fix loopholes that developed. Johnson vetoed them all, and saw each one become law over his opposition. On the surface, the measures did seem radical and unprecedented, and certain aspects were. Congress divided the South into five military districts, placed supervisory powers in the hands of army generals, and dictated the registration of all able-bodied, eligible males, as defined by the still-pending Fourteenth Amendment. Thus, in ten former Confederate states, African American men could now register to vote and hold political office, but many former confederates could not. This new electorate then voted for a **constitutional convention**, which drafted a new state constitution that provided for a new state government, which, finally, needed to ratify the Fourteenth Amendment. When all this had occurred, the state could present itself to Congress for readmission to the Union. In many

ways, the Military Reconstruction Acts were a logical progression from the response to the Fourteenth Amendment, when the southern states rejected a compromise that balanced black political rights with white ones. Where negotiation left off, coercion began.

As we will see in the entries, this “Radical” Reconstruction was not as extreme as some made it sound. Republicans agreed that giving freedmen the vote was more important, more democratic, more American, and less controversial than giving them land. The acts only applied to the southern states still awaiting readmission, so African American males in the North, the border states, and even Tennessee were not affected.

Nonetheless, the Military Reconstruction Acts set in motion a political revolution in the South. Southern African Americans—male and female—fully understood the power of the ballot. Educated or illiterate, Free Black or former slave, urban or rural, upper South or delta, African American males eagerly registered under the provisions of the Reconstruction Acts—and the protective gaze of federal troops. Still, a fully developed Republican presence in the South required an alliance with whites. Although the Military Reconstruction Acts disfranchised many former confederates, Unionists could participate, and many did. Earning the pejorative label “scalawags,” these southern whites brought an important local experience to southern politics, forging an at-times uneasy alliance with the black community. These two groups were joined by a third, which has traditionally borne the brunt of historical criticism: the “carpetbaggers,” a derogative term applied to northerners who settled in the South after the war. While some members of these groups were merely opportunists, many were idealists who genuinely believed in Lincoln’s “new birth of freedom” and hoped to play a part in a grand and exciting experiment.

That experiment began in late 1867 with eligible southerners, black and white, voting for delegates to state constitutional conventions. These conventions established—at least on paper—state governments and policies that represented incredible reforms; one could argue they collectively embodied a revolution. As a whole, the new state constitutions were as progressive as any in existence and what followed, for a few brief years, was an incredible experiment in democratic process and policy. Once the new state constitutions were complete, the new voters elected new governments, which were resoundingly Republican in makeup. Finally, these governments replaced the Johnson governments established during the **Presidential Reconstruction** phase.

Conservative myths notwithstanding, and excepting a few infamous individuals, these southern Republican governments did their best to bridge the gap between black hopes and former confederate demands. They pursued fairer taxation policies, public education, economic development, and did not disfranchise former confederates or confiscate land. At the national and state levels, one can argue that the halfway strategy of the Republicans—call it compromise, fairness, tepidness, practicality—left the southern Democrats humiliated and crippled, but not helpless or hopeless. They were out of power but not powerless, a dangerous combination.

Whatever unbiased reporting may say of the southern Republican governments, they could never change two simple facts: These structures were

imposed from the outside, and they were comprised of scalawags, carpet-baggers, and blacks. Examining the long view of southern history, we see a steady and constant adherence to two principles: white supremacy and localism. These two characteristics dovetail together: The relations between the races—socially, politically, legally—should be determined by state or local authorities. The literature is vast on the various components of southern society, southern culture, and the so-called southern mind. Historically, southerners have defined and defended their rights to determine, decide, and dictate on affairs within their borders. Secession and the Civil War were results of this, when first a state (South Carolina) and then the region (the Confederacy) sought independence to control its own destiny.

Here then was the ultimate and fundamental flaw in Congressional Reconstruction—both white supremacy and regional autonomy were being swept away simultaneously. Andrew Johnson's initial policy and his reaction to Republican initiatives clearly demonstrated his adherence to traditional southern themes. In the South, the reaction from conservative southerners came in many forms, some legal, some illegal, some economic, some even literary. The response is best seen in two developments during this phase—the evolution of the agricultural labor system called **sharecropping**, and the rise of white **violence**. Both marked attempts by whites to regain control of elements within their society that had been traditionally theirs; the details of these developments are well captured in the entries in these volumes, but suffice it to say that in both cases the conservatives' drive to defend old ideas was greater than Republican willpower to protect new ones.

### **The Grant Administration: Climax and Denouement**

Of course, the state of affairs in the South was partly dependent upon support from the North, be it public opinion or action by Republicans in Washington. For a time, that support was steady and strong, and embraced several far-reaching and unprecedented actions. But as Reconstruction wore on, two conflicting beliefs took on momentum and conspired to sap northern energy—a sense of success and accomplishment coupled with bewildering doubts about practicality and feasibility.

As with much of the Republican program, the achievements during this phase were not independent initiatives, but rather responses to threats from Democrats and President Johnson himself. Through 1867 and 1868, Congress passed the **Command of the Army Act** (as part of the 1867 Army Appropriations Act), the **Tenure of Office Act**, and supplements to the Military Reconstruction Act, all intended to strengthen the Reconstruction process and Republican positions in government. Ultimately, Johnson's obstinacy pushed Congress into entirely uncharted waters, and in 1868 resulted in the first **impeachment** of a president in American history. Again, divisions within the Republican Party brought about a moderate solution. The president was impeached and disgraced, but not convicted by the Senate or removed from office. The impeachment dealt a death blow to the national hopes of the **Democratic Party**, and allowed an easy victory for **Ulysses S. Grant** and the Republicans in the 1868 presidential contest. With the **Supreme Court**, for

the time being, openly deciding not to rule on so-called “political matters” and thus abstaining from much of the Reconstruction debate, the Republican Party now firmly controlled the workings of the federal government.

The first few years of the Grant administration saw what many believe to be the climax of Reconstruction activism. In February 1869, Congress passed the **Fifteenth Amendment** and sent it forward to the states for ratification. A compromise, as usual, this measure offered hope to all—to those who believed it would enfranchise African American males nationwide, as well as those who preferred that blacks stay away from the ballot box. The amendment did not positively confer the right to vote; it merely prohibited voting restrictions that were based upon “race, color, or previous condition of servitude.” Immediately in the North, and eventually in the South, this amendment led to a wide array of imaginative voting regulations and provisions designed to eliminate black voting without violating the letter of the law.

However, more immediate problems held the Grant administration’s interest. Conservative Democrats in the South were already trying to dismantle the gains achieved via the Military Reconstruction Acts, as antiblack and anti-Republican violence expanded in scope and intensity with the coming of the Republican state governments. Such organizations as the Ku Klux Klan and the Knights of the White Camellia had appeared soon after the war to enforce classic values of white supremacy and black obedience. With the formation of new state governments, these and similar groups took on a more political aim and became terrorist agents of the Democratic Party in an attempt to demoralize Republican electoral majorities. Republicans in Washington fired back with three **Enforcement Acts**, passed in May 1870 and February and April 1871. Collectively, these acts extended federal jurisdiction over voting and voting practices, ensured that political rights were not being violated, outlawed organizations seeking to infringe on federally guaranteed rights, and allowed the president to suspend the writ of habeas corpus to enforce the laws. These measures would be the basis for the much-heralded federal crackdown on white supremacist groups in the early 1870s, when federal troops and Justice Department officials arrested thousands of whites accused of violating Republicans’ civil rights.

## Reconstruction Collapses

The flurry of Republican activity in Congress and across the South belied a growing exasperation with the entire Reconstruction program. On the one hand, Republican measures had been crafted to allow for local control—federalism, one might argue—as seen in granting African American suffrage. Its framers had intended that this burst of federal activity could then recede and southern Republicans could take care of themselves. That clearly was not the case because federal officials from the War and Justice Departments were constantly required to intervene in some southern dispute, riot, or electoral crisis. More than five years after the war, the former Confederate states seemed to be an endless sinkhole that demanded resources but produced no conclusive, stable results. That fact, added to the tales of political debauchery

in the Reconstruction governments and the prevailing antiblack sentiment in the United States, began to erode support in the North.

On the other hand, some northerners argued that stable, tangible results had been achieved, and so it was time to move on. After all, slavery was abolished, African Americans were now citizens with civil and political rights (according to the Fourteenth and Fifteenth Amendments), states were being readmitted to Congress under new constitutions, and the southern economy—never a very progressive engine—seemed to be slowly making way. For many, it appeared as though the Union had been “reconstructed,” and there was not much more to do. News of violence, economic coercion, and even political fraud constituted nothing more than general crime and interested few, especially in light of new issues making headlines. The presidential contest in 1872 captured this spirit, as many moderate Republicans and Democrats merged into the **Liberal Republican Party** to challenge Grant for reelection. Although unsuccessful, the Liberal Republican movement foreshadowed significant changes in northern priorities—the **Panic of 1873** (a recession), monetary policy, political corruption and civil service reform, westward expansion, and immigrant issues were becoming hot topics. The fate of African Americans in the South seemed like something from far away and long ago, perhaps best left to the states to deal with. The congressional elections of 1874 drove this home, as Democrats gained control of Congress for the first time since before the Civil War.

While some developments distracted northerners from their southern program, other forces worked deliberately and directly to undermine it. In the mid 1870s, the Supreme Court reentered the Reconstruction discussion and delivered several crippling blows to the Republican program. In the *Slaughterhouse Cases* (1873), *United States v. Reese* (1876), and *United States v. Cruikshank* (1876), the Court followed a conservative view of the Reconstruction amendments, limiting their scope and applicability. Even Republicans in Congress began to backpedal on federal activism; as early as 1872, Congress refused to extend President Grant’s suspension of the habeas corpus in the South, and in 1875 a new enforcement bill, the Force Act, died in the Senate.

Of course, white violence in the South still comprised the greatest single threat to the Reconstruction governments. The hostility, shrewdness, and perseverance of southern Democrats became so organized by the middle 1870s that, without overt federal intervention, the “black and tan” governments in the South collapsed one by one. Republican divisions abetted conservative success, but it was the Democrat’s clever balance that achieved the victory. Southern conservatives appealed to racism, applied economic and social coercion, developed mass intimidation techniques, and, when necessary, resorted to outright violence, kidnapping, and assassination. By the presidential **election of 1876**, all but three southern Reconstruction governments had toppled, and those three—**Florida**, Louisiana, and **South Carolina**—were precariously situated.

These two trends, apathy in the North and focused ruthlessness in the South, intersected in the 1876 election. The so-called **Compromise of 1877** allowed Republican **Rutherford B. Hayes** to become president, but signaled the overthrow of the last Republican governments in the South. Facing more-or-less

formal abandonment by Washington, black and white Republicans in the South could only look to their local governments for help. Since these, in turn, relied on federal assistance, the last state regimes collapsed like a house of cards. The South had been “redeemed.”

The effects were immediate, lasting, and predictable, since other states had returned to “home rule” earlier. Across the South, as had occurred under Andrew Johnson’s restoration policy, many white southerners were ready to implement their own version of “reconstruction.” Certainly, Reconstruction meant much more than just who governed, for it took into account the vast range of social, familial, legal, geographic, economic, even spiritual changes that were under way. Unfortunately, those who governed often dictated the scope and focus of those changes, opportunities, and initiatives. Soon the backlash began, with prosecutions of former Republican politicians; amendments to state constitutions regarding fiscal policies, education, and welfare; and, of course, clever articulations to legally restrict black male suffrage.

Again, this did not happen without northern consent, or at least northern indifference. The war had ended over a decade ago, and was already passing into a blur of glorious memories. White northerners and southerners sought to bury the contentious and divisive issues of the past and move forward together as one nation—into the West, into urbanization and the Second Industrial Revolution, and even abroad and into world affairs. Sectional reconciliation was in the air, and African Americans and their rights became victims of it. The South’s “Lost Cause” mentality and the “Jim Crow” system of segregation were not out of place in the late nineteenth-century United States; in fact, they seem almost required, as American imperialists inspected other cultures and staked their claims of greatness upon white democracy and white development.

However, the slow and steady erosion of the promise of Reconstruction cannot erase its accomplishments. Some historians place among these abolition, the destruction of the planter aristocracy, and recognition of the Union as perpetual. Others disagree, noting these were products of the war, not its aftermath. Instead, they point to the social, religious, and economic achievements of the freedpeople; the genesis of southern economic reforms built upon diversification and northern capital; the progressive new state constitutions, parts of which outlived Redemption; the precedents set by the conscientious and subservient roles of the military during turbulent times; and, finally and perhaps most important, the three Reconstruction Amendments. While these represented expedient solutions at the time, they nonetheless placed before Americans a constant reminder that the nation still fell short of the ideals espoused in the Declaration of Independence. At least the pledge was now formal and official; it remains to be seen when and how that pledge will be fulfilled.

Although many of us will disagree, the consummate Southern historian, C. Vann Woodward, once wrote that American historians have only two great failures to explain: the failure of the Confederacy, and the failure of Reconstruction. Of course, these two questions—and their answers—are linked. The *Encyclopedia of the Reconstruction Era* is an important tool for those engaged in answering that second question.





# CHRONOLOGY

## 1860

- 6 November Abraham Lincoln becomes the first Republican elected president.  
20 December South Carolina secedes from the federal Union.

## 1861

- January-June Ten other slave states secede from the Union.  
February Confederate States of America established with its capital in Montgomery, Alabama.  
25 May General Benjamin Butler in Virginia declares runaway slaves “contraband of war.”  
22 June House of Representatives passes John Crittenden’s War Aims Resolution, declaring it the federal government’s purpose to preserve the Union, not to interfere with the “internal affairs” of southern states.  
25 July Senate passes Andrew Johnson’s War Aims Resolution, stating same as House version.  
6 August Congress passes the First Confiscation Act.  
7 November Union forces seize territory along the South Carolina coast, allowing first experiments with contrabands to begin.  
December Congress creates the Joint Committee on the Conduct of the War to push a more aggressive Radical agenda for prosecuting the war.

## 1862

- 2 March Abraham Lincoln appoints Andrew Johnson military governor of occupied Tennessee.  
16 April Congress abolishes slavery in the District of Columbia and the federal territories.  
1 May In New Orleans, General Benjamin Butler begins informal reconstruction by coordinating Unionist elements in Louisiana.  
19 May President Lincoln appoints Edward Stanley as provisional governor of North Carolina.

## 1 CHRONOLOGY

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- 20 May Congress passes the Homestead Act.
- 19 June President Lincoln appoints John Phelps provisional governor of Arkansas.
- 17 July Congress passes the Second Confiscation Act, specifically allowing the seizure of slaves from those in rebellion. Act also authorizes president to “employ” freed slaves “as necessary and proper for the suppression of the rebellion,” the first federal pronouncement mentioning the use of blacks in the service.
- 22 July President Lincoln, at a cabinet meeting, declares his support for emancipation.
- 22 September Following the battle of Antietam, Lincoln announces the Preliminary Emancipation Proclamation, giving Confederate states three months to end the rebellion or lose their slaves.
- 3 December Election of first congressmen from Confederacy to the U.S. government, as Louisiana sends B. F. Flanders and Michael Hahn to serve in Congress until terms end in 1863.

### 1863

- 1 January Promulgation of the Emancipation Proclamation, declaring free slaves in areas still under rebellion against the United States. Proclamation also calls for the enlistment of African Americans in the armed forces.
- 15 January Governor Stanley of North Carolina resigns over the “radical” turn the Union war effort has taken.
- 20 April West Virginia admitted to the Union.
- 20 June Gradual emancipation begins under West Virginia’s state constitution.
- 8 December President Lincoln appoints Francis H. Pierpont provisional governor of Virginia.
- 8 December President Lincoln delivers his Proclamation of Amnesty and Reconstruction, also called the “Ten Percent Plan.”

### 1864

- 4 January Arkansas state constitutional convention opens under Lincoln’s guidelines.
- 20 January Isaac Murphy selected as provisional governor of Arkansas under Ten Percent Plan.
- 18 April Isaac Murphy inaugurated as governor of Arkansas.
- 21 May Congressmen from Arkansas denied admittance to federal legislature; breach between executive and Congress evident.
- 2 July Congress passes Wade-Davis Bill as a more stringent alternative to Lincoln’s Reconstruction plan.
- 8 July Lincoln pocket-vetoes the Wade-Davis Bill.
- 8 July Republican National Convention in Baltimore nominates Abraham Lincoln on a “National Union Party” platform of Union, victory, and reconciliation. Andrew Johnson, War Democrat from Tennessee, is chosen as his running mate.
- 5 August Release of the Wade-Davis Manifesto, criticizing Lincoln’s veto of the Wade-Davis Bill.
- 29 August Democratic National Convention meets in Chicago and nominates ticket of General George B. McClellan and George Pendleton.
- 5 October Louisiana convenes its constitutional convention as per Lincoln’s Ten Percent Plan.
- 29 October Maryland adopts new constitution, abolishing slavery.
- 8 November Abraham Lincoln reelected president, receiving nearly 75 percent of the Union soldier vote; Democrat/Union Party Andrew Johnson elected vice president.

- 6 December Salmon P. Chase, Lincoln's secretary of the treasury, becomes Chief Justice of the United States.
- 1865**
- 11 January Missouri, a "border state," emancipates its slaves.
- 16 January In Savannah, Union General William T. Sherman issues Special Field Order No. 15, setting aside abandoned coastal lands for use by freed slaves; the mythical federal grant of "forty acres and a mule" is born.
- 31 January Congress passes the Thirteenth Amendment, which will formally abolish slavery in the United States. It is sent to the states for ratification.
- 13 February Virginia convenes its constitutional convention as per Lincoln's Ten Percent Plan.
- 22 February Tennessee emancipates its slaves.
- 3 March Congress creates, within the War Department, the Bureau of Refugees, Freedmen, and Abandoned Lands to help blacks in their transition from slavery to freedom.
- 4 March Abraham Lincoln is inaugurated a second time as president. His address reflects his Reconstruction policy with the immortal "with malice toward none; with charity for all."
- 11 March Lincoln delivers speech encouraging Louisiana to investigate possibilities for limited black suffrage.
- 5 April William G. Brownlow elected governor of Tennessee.
- 9 April Confederate General Robert E. Lee surrenders the Army of Northern Virginia to Ulysses S. Grant at Appomattox Court House, Virginia.
- 14 April President Lincoln is shot while watching a play at Ford's Theater in Washington, D.C.
- 15 April Lincoln dies; Andrew Johnson is sworn in as president at the Kirkwood House.
- 1 May President Johnson authorizes military trials for the Lincoln assassins.
- 29 May Johnson issues his First Amnesty Proclamation, which includes a liberal amnesty but requires many to appeal for a special presidential pardon.  
Johnson initiates his Reconstruction program with his Proclamation for North Carolina, appointing William W. Holden provisional governor.
- 13 June Johnson appoints Benjamin F. Perry and William H. Sharkey provisional governors of South Carolina and Mississippi, respectively.
- 17 June Johnson appoints James Johnson and Andrew J. Hamilton provisional governors of Georgia and Texas, respectively.
- 21 June Johnson appoints Lewis Parsons provisional governor of Alabama.
- 13 July Johnson appoints William Marvin provisional governor of Florida.
- 14 August First constitutional convention to be held under Johnson's program opens in Mississippi; others follow through fall.
- 2 October In Mississippi, Benjamin Humphries becomes the first governor elected under Johnson's Reconstruction plan.
- 18 October In South Carolina, James L. Orr is elected governor.
- November-December Official fact-finding tour of the former Confederate states by Carl Schurz and Ulysses S. Grant.
- 6 November In Louisiana, James Madison Wells is elected governor.
- 9 November In North Carolina, Jonathan Worth is elected governor.

- 15 November In Georgia, Charles M. Jenkins is elected governor.
- 29 November In Florida, David S. Walker is elected governor.
- 2 December New Mississippi legislature passes “black codes” to regulate freedpeople; other former Confederate states follow.
- 3 December Thirty-Ninth Congress reconvenes and refuses to seat representatives and senators elected under Johnson’s program.
- 13 December Congress creates the Joint Committee of Fifteen on Reconstruction.  
In Alabama, Robert M. Patton inaugurated as governor.
- 18 December Thirteenth Amendment gains ratification and becomes part of the U.S. Constitution.

**1866**

- 19 February Johnson vetoes the Freedmen’s Bureau Bill.
- 22 February Johnson’s antagonistic Washington’s Birthday Address.
- 27 March Johnson vetoes the Civil Rights Bill.
- April Ku Klux (from Greek “kuklos” or circle) founded in Pulaski, Tennessee (the “Klan” was added much later).
- 2 April Johnson issues proclamation formally declaring the “insurrection” at an end.
- 9 April Congress passes the Civil Rights Act over Johnson’s veto, the first significant piece of legislation passed over an executive veto.
- 30 April/1 May Race riot in Memphis, Tennessee.
- 13 June Congress passes the Fourteenth Amendment and sends it to the states for ratification.
- 21 June Congress passes the Southern Homestead Act.
- 16 July Johnson vetoes second Freedmen’s Bureau Bill.  
Congress overrides Johnson’s veto and passes the Freedmen’s Bureau Renewal Act.
- 24 July Tennessee, after ratifying the Fourteenth Amendment, becomes the first former Confederate state readmitted to the Union.
- 30 July Race riot in New Orleans, Louisiana.
- 13 August In Texas, James W. Throckmorton becomes governor.
- 14–15 August National Union Movement holds its convention in Philadelphia.
- 20 August Johnson issues second proclamation declaring insurrection over and peace restored.
- 28 August–5 September Johnson’s “Swing Around the Circle” takes him on a speaking tour from Washington to Illinois.
- October–November Republicans are successful in congressional elections, trouncing Johnson’s conservative National Union Movement.
- 20 November First convention of the Grand Army of the Republic, a formal organization merging together many satellite Union veterans’ groups.
- 17 December Supreme Court delivers *Ex parte Milligan*.

**1867**

- 5 January Johnson vetoes bill to enfranchise blacks in the District of Columbia.
- 8 January Congress overrides Johnson’s veto; black male suffrage begins in D.C.
- 14 January The Supreme Court renders decisions in the “Test Oath Cases,” restricting the use and limiting the effectiveness of loyalty oaths.

- 2 March Congress passes First Military Reconstruction Act, Tenure of Office Act, Army Appropriations Act, and Fortieth Congress Act.  
Johnson vetoes Military Reconstruction Act, Tenure of Office Act, and Fortieth Congress Act; approves but submits formal protest to Army Appropriations Act.  
Congress overrides presidential vetoes and passes into law Military Reconstruction, Tenure, and Fortieth Congress Acts.
- 11 March President Johnson appoints five generals to command the five military districts in the South.
- 22 March Congress passes, and Johnson vetoes, the Second Military Reconstruction Act.
- 23 March Second Military Reconstruction Act becomes law.
- 13 July Congress passes the Third Military Reconstruction Act.
- 19 July Johnson vetoes Third Military Reconstruction Act; Congress overrides veto the same day.
- 12 August Johnson suspends Secretary of War Edwin M. Stanton and appoints General Ulysses S. Grant secretary ad interim.
- 17 August Johnson removes General Philip Sheridan from command of the Fifth Military District.
- 26 August Johnson removes General Daniel Sickles from command of the Second Military District.
- 7 September Johnson issues Second Amnesty Proclamation.
- 23 September In Louisiana, the first state constitutional convention under Congressional Reconstruction begins.
- October–November Democrats score sweeping surprise victories in state contests across the North.
- 7 December First vote on impeachment fails in House of Representatives.
- 28 December Johnson removes General John Pope as commander of the Third Military District.
- 1868**
- 9 January Johnson removes General E.O.C. Ord as commander of the Fourth Military District.
- 13 January Senate reconvenes and refuses to consent to Johnson’s suspension of Secretary Stanton and appointment of Ulysses S. Grant.
- 4 February William H. Smith of Alabama becomes the first governor elected under Congressional Reconstruction and the Military Reconstruction Acts.
- 21 February Johnson formally removes Stanton as secretary of war; appoints General Lorenzo Thomas.
- 24 February House of Representatives votes to impeach President Johnson.
- 2–3 March House adopts eleven Articles of Impeachment and names impeachment managers for the Senate trial.
- 11 March Congress passes the Fourth Military Reconstruction Act.
- 27 March Supreme Court rules in *Ex parte McCordle* that Congress can restrict the Court’s jurisdiction relating to “political issues.”
- 30 March Senate convenes as High Court of Impeachment as the president’s trial opens.
- 16 April Republican Robert K. Scott, a carpetbagger from Ohio, is elected governor of South Carolina under the Congressional Reconstruction constitution.

- 20 April Georgia elects carpetbagger Rufus Bullock governor under the Congressional Reconstruction program.
- 23 April William W. Holden elected governor of North Carolina under the Congressional Reconstruction program.
- 16 May Senate votes on Article Eleven, finding Johnson “not guilty” by a vote of 35 to 19, one shy of conviction.
- 20 May Republican National Convention nominates Ulysses S. Grant for president, Speaker of the House Schuyler Colfax as vice president.
- 26 May Senate votes on Article Two, finding Johnson “not guilty” by a vote of 35 to 19, one shy of conviction; Senate adjourns as High Court.
- 30 May First official Memorial Day, established by the Grand Army of the Republic (GAR) across the North to remember Union dead.
- 22 June Congress readmits Arkansas to the Union as the first state readmitted under the Republican’s plan of Reconstruction.
- 25 June Johnson vetoes bill readmitting Florida, North Carolina, South Carolina, Georgia, Alabama, and Louisiana to the federal Union; veto will be overridden and all six are readmitted over the next four weeks.
- 1 July Republican carpetbagger Harrison Reed becomes governor of Florida.
- 2 July Republican carpetbagger Powell Clayton becomes governor of Arkansas.
- 4 July Johnson’s Third Amnesty Proclamation.
- 9 July Democratic National Convention nominates ticket of Horatio Seymour of New York and Francis P. Blair, Jr.
- 13 July Carpetbagger Henry C. Warmoth inaugurated as governor of Louisiana.
- 25 July Congress passes bill dismantling the Freedmen’s Bureau; all operations other than education will cease as of January 1, 1869.
- 28 July Fourteenth Amendment ratified and added to the U.S. Constitution.
- September Georgia legislature expels black members and regresses on fulfilling Military Reconstruction Act requirements; congressional/military investigation begins.
- 3 November Ulysses S. Grant elected president.
- 1 December Georgia remanded to military supervision for violating Reconstruction acts.
- 25 December Johnson issues his Fourth Amnesty Proclamation, a general amnesty covering nearly all former confederates.
- 1869**
- 25 February Congress passes the Fifteenth Amendment and sends it to the states for ratification.
- 4 March Ulysses S. Grant inaugurated as president.
- 5 March President Grant removes E.R.S. Canby from command of the Fifth Military District; reappoints Joseph Reynolds.
- 12 April Supreme Court upholds constitutionality of the Military Reconstruction Acts in *Texas v. White*.
- 4 October Tennessee, the first state readmitted, becomes the first state “redeemed” by conservatives as DeWitt Senter wins governorship.
- 5 October Virginia “redeemed” as elections result in a conservative legislature that will join conservative governor Gilbert C. Walker, elected in July; Virginia is the only state redeemed before readmission.

- 30 November Republican James L. Alcorn elected governor of Mississippi under Congressional Reconstruction.
- 22 December Georgia directed to reconvene the 1868 legislature, which includes blacks, before Congress will consider readmission.

**1870**

- 18 January Edmund J. Davis inaugurated as governor of Texas under the Military Reconstruction Acts.
- 26 January Despite its conservative government, Virginia is readmitted to the Union.
- 23 February Congress readmits Mississippi to the Union.
- 25 February Hiram R. Revels, Senate-elect from Mississippi, becomes the first black U.S. senator.
- 30 March Upon ratification, the Fifteenth Amendment becomes part of the U.S. Constitution. Congress readmits Texas to the Union.
- 31 May Congress passes the First Enforcement Act, placing certain forms of voting harassment under federal jurisdiction.
- June–August In North Carolina, the “Kirk-Holden War” begins, pitting state forces against the Ku Klux Klan.
- 15 July Congress readmits Georgia to the federal Union for the second time.
- 19 October Republican carpetbagger Robert K. Scott reelected governor of South Carolina.
- 4 November Conservative legislature convenes, “redeeming” North Carolina.
- 12 December Joseph H. Rainey, the first African American to serve in the House of Representatives, takes his seat in Washington; he will serve until 1879.
- 19 December Lower house of North Carolina legislature passes formal Articles of Impeachment against Republican governor William W. Holden.

**1871**

- 28 February Congress passes the Second Enforcement Act.
- 3 March Congress creates the Southern Claims Commission, which will operate until 1880.
- 22 March William W. Holden is convicted and removed by the North Carolina Senate, the first governor in American history thus removed.
- 20 April Faced with growing evidence of well-organized terrorist challenges to the southern Republican governments, Congress passes the Third Enforcement Act (also called the Ku Klux Act; later generations added the “Klan” portion of the title).
- 17 October Citing the Ku Klux Act, President Grant suspends the writ of habeas corpus in portions of up-country South Carolina and orders military/Justice Department intervention.
- 1 November After second readmission, Georgia is again “redeemed” with ascension of James M. Smith as governor.

**1872**

- 3 May “Liberal Republicans” bolt Grant’s Republican Party and hold convention in Cincinnati; *New York Tribune* owner Horace Greeley nominated for president.
- 22 May Congress passes the Amnesty Act, clearing nearly all former confederates from political liabilities imposed under the Military Reconstruction Acts and Fourteenth Amendment.
- 5–6 June Republican National Convention nominates Ulysses S. Grant for reelection.



- 9–10 July Democratic National Convention backs the Liberal Republicans and their candidate, Horace Greeley.
- September Evidence breaks about federal fraud and corruption surrounding the transcontinental railroad, ultimately leading to the “Credit Mobilier” scandal.
- 16 October Republican Franklin J. Moses elected governor of South Carolina.
- 5 November Ulysses S. Grant reelected president.
- 30 November Liberal Republican nominee Greeley dies.
- 9 December Division among Republicans in Louisiana leads the Republican legislature to impeach Republican governor Henry Clay Warmoth; although he is not removed, the governorship falls to P.B.S. Pinchback, making him the first black governor in U.S. history.

**1873**

- 9 January Republican divisions in Louisiana result in disputed election and dual governments: Republicans assemble under William P. Kellogg, and conservatives under John McEnery.
- 14 January Redemption of Texas as conservative Richard Coke becomes governor.
- 12 February Known as the so-called “Crime of ’73,” the Silver Coinage Act takes silver out of circulation, marking a victory for fiscal contractionists and spurring a political debate for the next generation.
- 13 April White vigilantes murder black and white Republicans in the Colfax Massacre in Louisiana.
- 14 April Supreme Court, in the *Slaughterhouse Cases*, renders very narrow interpretation of the scope of the Fourteenth Amendment.
- May Grant administration recognizes Kellogg government in Louisiana; orders McEnery to desist or face federal intervention.
- 18 September Panic of 1873 begins with the failure of Jay Cooke’s investment house.

**1874**

- 21 January Morrison R. Waite succeeds Salmon P. Chase as Chief Justice of the United States.
- 22 January Republican carpetbagger and former Union general Adelbert Ames becomes governor of Mississippi.
- March–May In the Brooks-Baxter War, Republican infighting in Arkansas moves from political disputes into court fights, and finally erupts in bloodshed.
- 16 May Grant recognizes Elisha Baxter as governor of Arkansas, ending Brooks-Baxter War.
- June Appearance of White League in Louisiana, terrorist organization aimed at overthrowing Republican Kellogg.
- 30 August White League murders Republicans in the Coushatta Massacre.
- 16 September White League battles police in New Orleans; Kellogg temporarily overthrown; Grant sends federal troops to reinstate Kellogg.
- October–November Democrats score sweeping victories in congressional elections; the next House of Representatives, set to convene fall 1875, will be under Democratic control.
- 15 October Carpetbag Republican Daniel H. Chamberlain elected in South Carolina.
- 10 November Arkansas is “redeemed” with the election of conservative Augustus H. Garland as governor.
- 14 November Redemption in Alabama as George Houston becomes governor.

- December Race riots and violence across Mississippi, as white conservatives embark on a violent, terror-based campaign to seize control at the next election. Across the South, whites adopt the term “Mississippi Plan” when referring to brutal, overt tactics.
- 1875**
- 14 January Congress passes the Specie Resumption Act to ease the recession; act temporarily releases greenbacks and silver into circulation.
- 26 January Andrew Johnson becomes the only president elected to the U.S. Senate after leaving executive office.
- 1 March Congress passes the Civil Rights Act of 1875.
- May Federal officials are implicated in the “whisky ring,” a collage of importers, distillers, and wholesalers based in New York and operating to defraud the government of taxes.
- 16 April Wheeler Compromise produces armistice in Louisiana by dividing the legislature between houses and parties: Democrats control the assembly, while Republicans control the Senate.
- September Widespread assaults and rioting by “white liners” across Mississippi as part of an organized reign of terror for the upcoming election.
- 3 November Violence and fraud result in the redemption of Mississippi; conservative whites regain control of the state legislature.
- 1876**
- 4 January Conservative legislature convenes in Mississippi.
- March Federal investigation into financial dealings of Secretary of War William Belknap lead to his impeachment; Belknap resigns.
- 2 March Mississippi legislature impeaches Republican governor Ames.
- 27 March Supreme Court, in *U.S. v. Cruikshank* and *U.S. v. Reese*, restricts scope and use of Enforcement Acts.
- 15-17 June In Cincinnati, Republican National Convention nominates Rutherford B. Hayes of Ohio for president.
- 27-29 June In St. Louis, Democratic National Convention nominates New Yorker Samuel Tilden for president.
- 7 July Hamburg Massacre in South Carolina, as election campaigning pits Republican black militiamen against white conservative gun clubs.
- 6 September King Street Riot in Charleston, as conservatives and Republicans continue to battle in South Carolina.
- 16-19 September In South Carolina a three day, countywide killing spree conducted by white gun clubs earns the name the Ellenton Riot; ends with direct intervention by U.S. infantry units.
- 16-17 October White attack on a Republican meeting, called the Cainhoy Riot, leads Grant to send more federal troops to South Carolina for the election.
- 8 November Presidential and state elections disputed; state gubernatorial elections in South Carolina and Louisiana result in dual governments for both, while improprieties in state electoral returns deadlock the presidential decision.
- 28-30 November Democrats and Republicans establish rival legislatures in South Carolina.
- 6 December Republican legislature elects Daniel H. Chamberlain governor of South Carolina.

14 December South Carolina Supreme Court and Democrat legislature declare Wade Hampton III governor of South Carolina.

**1877**

1 January Democrat Zebulon Vance, governor of North Carolina during the Confederacy, is sworn in as governor once again.

2 January Florida Democrats “redeem” the state by contesting their gubernatorial election, but not the national one; Democrat Charles F. Drew becomes governor over Republican Marcellus Stearns, but electoral votes all go to Hayes.

8 January In Louisiana, rival governors are sworn in: Stephen B. Packard has Republican (and federal) support, while Francis T. Nicholls is backed by Democrats.

20 January The Federal Electoral Commission is established to decide the presidential contest.

February Discussion, rumors, and trips North and South occur as commission debates presidential decision.

26 February Wormley House “deal” negotiates a complex series of trade-offs to settle the presidential controversy.

2 March Disputed electoral votes go to Rutherford B. Hayes.

4 March Hayes inaugurated as president.

3 April Hayes tells cabinet that federal troops must be withdrawn from state capitals, and must cease to interfere in state political disputes.

10 April Federal troops leave Columbia; Hampton becomes governor and South Carolina is formally “redeemed.”

24 April Federal troops withdraw from Baton Rouge; Nicholls becomes governor of a “redeemed” Louisiana.

**1878**

18 June Congress passes the Posse Comitatus Act, severely restricting the use of federal military forces as agents of law and order in civilian society.

**1883**

15 October Supreme Court, in the *Civil Rights Cases*, overturns the Civil Rights Act of 1875 and declares that the Fourteenth Amendment only covers government action. Segregation by private individuals in privately owned establishments is legal, as Court creates difference between “civil rights” and “social rights”; federal condoning of Jim Crow laws fully under way.

**1887**

July First major reunion between Union and Confederate veterans takes place at Gettysburg Battlefield in Pennsylvania.

**1889**

10 June United Confederate Veterans formally chartered.

**1890**

1 November Mississippi becomes first southern state to alter its state constitution to legally disfranchise blacks, using loopholes in the Fifteenth Amendment. Other southern states follow over the next decade.

**1892**

April

In response to antiblack violence and the rise of lynchings across the South, African American journalist Ida B. Wells begins an antilynching crusade that grows to international dimensions.

**1895**

18 September

Booker T. Washington, founder of the Tuskegee Institute, offers the “Atlanta Compromise” at the Cotton States Exposition, telling African Americans they should concentrate on economic development and self-improvement instead of demanding political equality.

**1896**

18 May

Supreme Court rules in *Plessy v. Ferguson* that accommodations that are separate but equal do not violate the Fourteenth Amendment.

**1898**

25 April

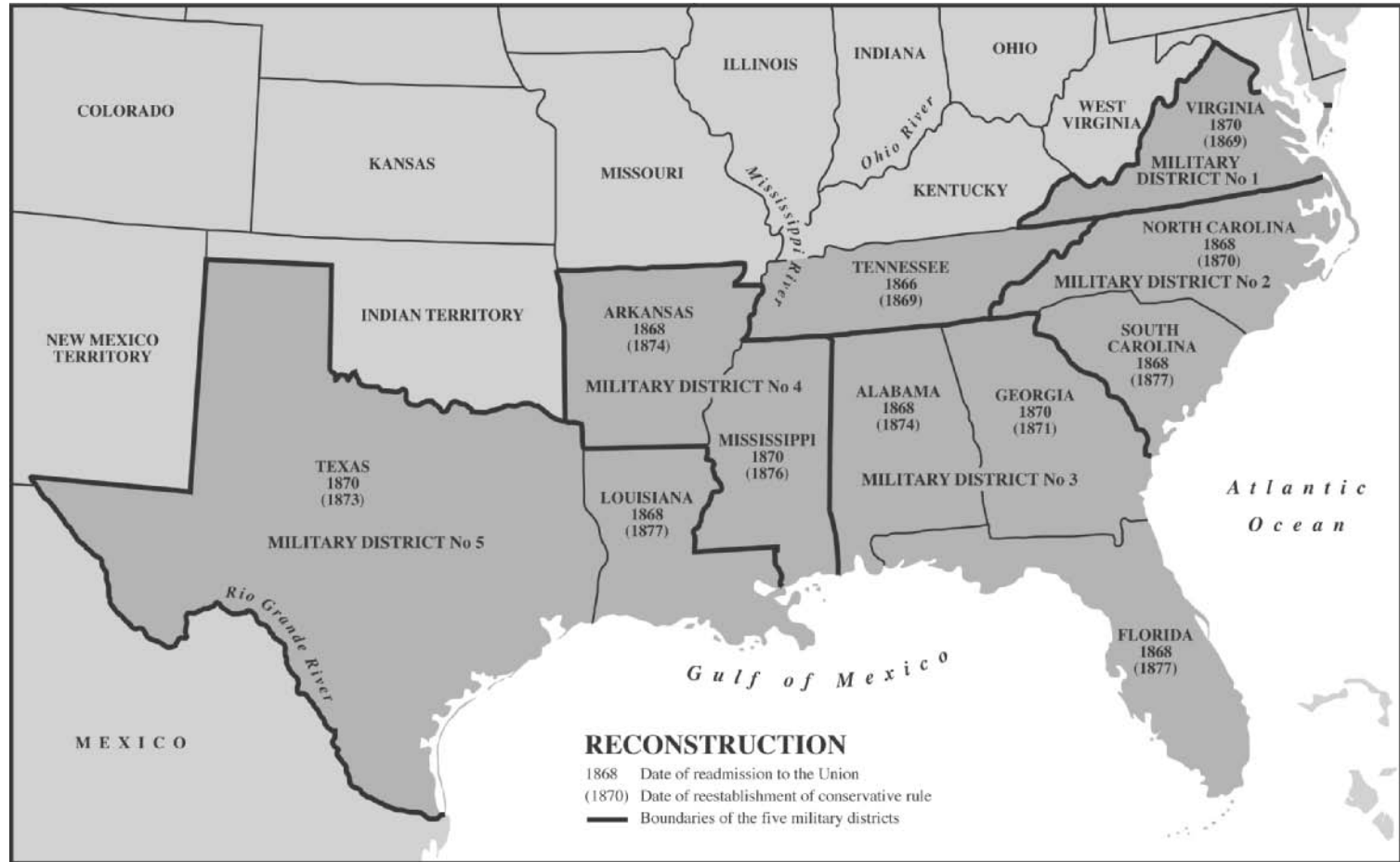
Supreme Court rules in *Williams v. Mississippi* that the states can use poll taxes and literacy tests to determine voter qualification, as these do not violate the race injunction in the Fifteenth Amendment.

**1899**

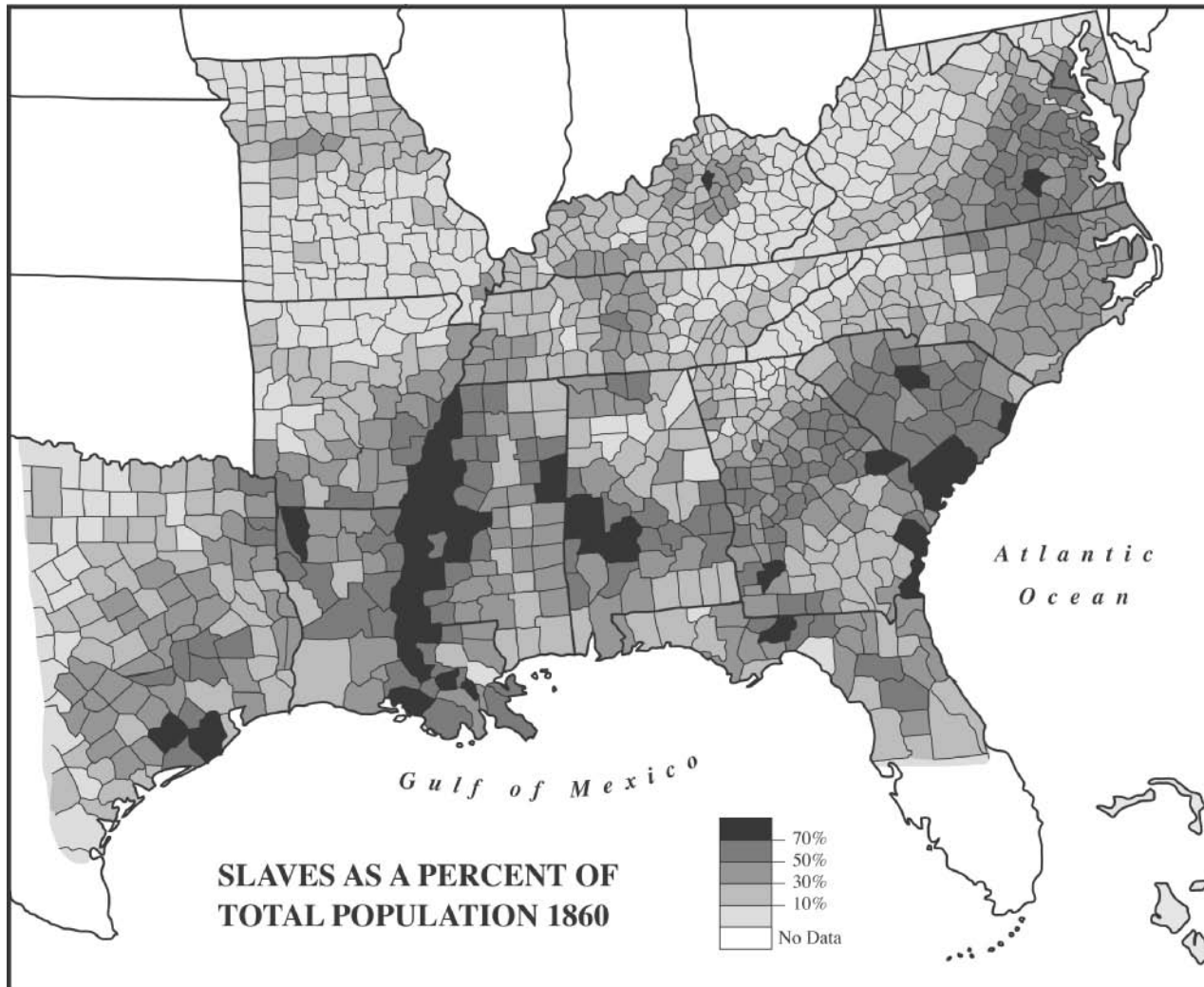
18 December

Supreme Court, in *Cummings v. Georgia*, declares segregation in the schools is legal under the Fourteenth Amendment.





Reconstruction military districts and dates of readmission and redemption. (Courtesy of the author.)



Slaves as a percent of total population 1860. (Reprinted by permission of Louisiana State University Press from *Atlas of Antebellum Southern Agriculture* by Sam Bowers Hilliard. Copyright © 1984 by Louisiana State University Press.)

# **ENCYCLOPEDIA OF THE RECONSTRUCTION ERA**





# A

## **Abolitionists**

Abolitionists advocated ending slavery and emancipating slaves. African American and white American abolitionists were part of an antislavery movement that spanned the Atlantic world during the eighteenth and nineteenth centuries. Prior to 1830, most of them favored gradual elimination of slavery, but by the early 1830s, abolitionists became influential by supporting immediate general emancipation through their words and deeds. During the Civil War, they pressed the Lincoln administration to make emancipation a Union war aim. During Reconstruction, they advocated national protection of black rights and promotion of black advancement.

When people used the term *abolitionist* during the era of the Civil War and Reconstruction, they usually meant the immediatists—small radical groups of agitators, political activists, Underground Railroad leaders, and freedom fighters. Historians distinguish between these abolitionists and a larger, less radical, group of journalists and politicians who, to varying degrees, opposed the territorial expansion of slavery and the influence slaveholders exercised on the U.S. government. During the Civil War and Reconstruction, Radical Republicans constituted the majority of this larger group, which became less distinguishable from abolitionists as time passed.

### ***Early American Abolitionists***

As soon as slavery came into existence in Great Britain's North American colonies during the seventeenth century, enslaved people of African descent sought freedom. They purchased freedom, sued for it, escaped, and—on rarer occasions—took up arms. During the 1690s, a few Quakers began to contend that slavery was sinful and dangerous, but natural rights doctrines and evangelical Christianity did not begin to spread antislavery sentiment beyond

**African Americans** and Quakers until the era of the American Revolution. During the 1780s, white rationalists and evangelicals began to exercise considerable influence. These early abolitionists contributed to the decisions between 1783 and 1804 on the part of all the states north of Delaware to end slavery or provide for its gradual abolition. In 1787, Congress adopted the Northwest Ordinance banning slavery in the Northwest Territory. By the 1790s, small gradual abolition societies had spread to Delaware, **Maryland**, and **Virginia**.

Early abolitionism peaked during the 1780s. During the following decades, the spread of cotton cultivation into the Old Southwest created a market for slaves that ended the southward spread of antislavery sentiment. Meanwhile white northerners increasingly interpreted social status in racial terms and restricted black access to schools, **churches**, and jobs. In 1800, the Virginia slave Gabriel organized a revolt conspiracy that—when revealed to white authorities and crushed—intensified an anti-abolitionist reaction. As whites became convinced that free blacks encouraged slave revolt and constituted a dependent and criminal class, antislavery societies in Delaware, Maryland, and Virginia disbanded, became inactive, or declined. White abolitionists gradually accepted the contention that emancipation must be linked with expatriation of former slaves. For a time, black abolitionists, aware of the limits on their freedom in the United States, agreed.

The American Colonization Society (ACS), organized in Washington, D.C., in 1816, epitomized the linkage of gradual emancipation and expatriation. In 1821, the ACS established a colony for free African Americans at Liberia in West Africa. During the society's early years, it enjoyed the support of black and white abolitionists who later became immediatists. Yet, from its beginning, many African Americans were suspicious of the ACS. They feared that its real goal was to strengthen slavery by removing all free black people from the United States.

### ***Immediatism during the Late 1820s and 1830s***

Black opposition to the ACS contributed to the rise of immediatism. In 1829, black abolitionist David Walker published in Boston his *Appeal to the Colored Citizens of the World*. He denounced the ACS, asserted the right of African Americans to U.S. citizenship, and suggested that black men must fight for freedom. Although most early immediatists, both black and white, rejected violent means, Walker's opposition to colonization and his demand for action helped shape the movement.

Several developments led a few young white men and women to become immediate abolitionists. The emergence in the North of factory production and wage labor made slave labor seem outmoded and barbaric. As middle-class family life developed in the North, the disruption slavery imposed on black families appeared increasingly reprehensible. The religious revival known as the Second Great Awakening encouraged evangelical northerners to establish benevolent organizations designed to fight a variety of sins. Meanwhile, contact with African Americans and observation of slavery had an enormous impact on white reformers who became immediatists.

More than any other individual, white abolitionist **William Lloyd Garrison** spread immediatism during the 1830s. Influenced by black abolitionists, Garrison began publishing his weekly newspaper, *The Liberator*, in January 1831. Like Walker, Garrison rejected gradualism and colonization. He demanded immediate general emancipation without expatriation and equal rights for African Americans. In late 1833, Garrison brought together a diverse group, including a few black men and a few white women, to form the American Anti-Slavery Society (AASS). Rejecting the violent abolitionist tactics endorsed by Walker and put into practice by slave rebel Nat Turner in his failed Virginia slave revolt of August 1831, the AASS pledged to use peaceful moral means to promote immediatism and convince masters to free their slaves. Although immediate abolitionists remained a tiny, despised minority, AASS affiliates spread across the North. In 1835 and 1836, the organization sent thousands of antislavery petitions to Congress and stacks of abolitionist propaganda into the South. These efforts produced another antiabolitionist and anti-black reaction, which strengthened proslavery sentiment in the South and encouraged mob violence against abolitionists and black communities in the North.

### ***Rise of a More Aggressive Abolitionism***

The anti-abolitionist reaction and the failure of peaceful agitation to weaken slavery led immediatists in new directions. Garrison and his associates centered in New England became social perfectionists, feminists, and anarchists. They denounced violence, human government, and organized religion. They embraced dissolution of the Union as the only way to save the North from the sin of slavery and force the South to abolish it. The great majority of immediate abolitionists (both black and white), however, believed that church and government action could be effective against slavery. They became more willing to consider violent means and rejected radical assertions of women's rights.

At its 1840 annual meeting, the AASS split apart on these issues. The Garrisonian minority retained control of what became known as the "Old Organization," while the great majority of immediatists launched new organizations. Until the Civil War, the AASS concentrated on agitation in the North; the new organizations were more aggressive. The American and Foreign Anti-Slavery Society (AFASS), led by New York City businessman Lewis Tappan, sought to convert the nation's churches to immediatism and sent antislavery propaganda into the South. The Liberty Party employed a variety of political strategies to fight slavery. The more radical Liberty abolitionists, centered in upstate New York and led by Gerrit Smith, maintained that slavery was illegal and that immediatists had an obligation to go south to help slaves escape. The more conservative Liberty faction, centered in Cincinnati and led by Gamaliel Bailey and **Salmon P. Chase**, accepted the legality of slavery in the South. It rejected abolitionist aid to slave escape, and sought to build a mass political party in the South as well as the North on a platform calling not for abolition but "denationalization" of slavery. The breakup of the AASS also encouraged autonomous organization among black abolitionists, who led in forming local

vigilance associations designed to protect fugitive slaves, but most black abolitionists also supported the AFASS and the Liberty Party. In 1846, black abolitionists joined church-oriented white abolitionists in the **American Missionary Association (AMA)**, an outgrowth of the AFASS that sent anti-slavery missionaries into the South.

In 1848, the conservative wing of the Liberty Party merged into the Free Soil Party and its members, for all intents and purposes, ceased to be immediatists. They, nevertheless, had an enormous impact on those who by the Civil War were called **Radical Republicans**. The more radical members of the Liberty Party, known as radical political abolitionists, maintained their organization under a variety of names into the Civil War. They excelled in underground railroad efforts and in resistance to the Fugitive Slave Law of 1850. More than any other immediatist faction, the radical political abolitionists supported John Brown's raid at Harpers Ferry in 1859.

### *Abolitionists during Civil War and Reconstruction*

White southerners anticipated that the victory of Republican candidate Abraham Lincoln in the presidential election of 1860 would encourage underground-railroad activity, abolitionist politics in the upper South, and slave revolt. Such fears had an important role in the secession movement that led to the Civil War in April 1861. Lincoln, who was not an immediate abolitionist, hoped for the "ultimate extinction" of slavery and the colonization of African Americans outside of the United States, but as the war began, he promised not to interfere with slavery in the South. He believed that abolitionism of any sort would alienate southern Unionists and weaken support of the war in the North.

Immediate abolitionists, nevertheless, almost universally supported the war as a means of ending slavery. By the late 1850s, Garrison and his associates had become less committed to nonviolence. When the Civil War began, they dropped their opposition to forceful means. Church-oriented and radical political abolitionists rejoined the AASS, and the organization's membership and influence grew. AASS leader **Wendell Phillips** emerged as the North's most popular public speaker. Well aware of their new standing, immediatists in alliance with Radical Republicans lobbied Lincoln to make emancipation and racial justice Union war aims. Phillips, **Frederick Douglass**, Sojourner Truth, and others called on Lincoln at the White House to make their points. Immediatists—especially black immediatists—led in urging the president to enlist black troops.

Immediatists realized that strategic considerations were more important than their influence on Lincoln's decision to issue his Emancipation Proclamation in January 1863. They worried that, by resting emancipation on military necessity rather than racial justice, Lincoln had laid an unsound basis for permanent black freedom, but they also recognized the Proclamation's significance, particularly its endorsement of enlisting black troops. Douglass, for example, declared it to be "the greatest event" in American history, and worked tirelessly to recruit black soldiers to fight for freedom. Younger white

immediatists became officers in the otherwise segregated black Union regiments. Phillips, a few other immediatists, and a similarly small group of Radical Republicans attempted to block Lincoln's renomination for the presidency in 1864, but Garrison, Douglass, and most other immediatists enthusiastically supported him.

Meanwhile, immediatists led in wartime reconstruction efforts in the South. During the summer of 1861, the AMA and many smaller abolitionist organizations began sending missionaries and teachers into war zones to minister to the physical, spiritual, and educational needs of the former slaves. Women predominated, in part because younger immediatist men had enrolled in Union armies. The most ambitious abolitionist effort occurred in the South Carolina Sea Islands centered on Port Royal, which Union forces captured in 1861. With organizational and financial backing from Lewis Tappan and support from former immediatist Secretary of the Treasury Salmon P. Chase, younger abolitionists, who called themselves "Gideonites," launched the Port Royal Experiment in 1862. They provided medical care, taught school, and helped former slaves purchase land. At Port Royal and in a similar undertaking in southern Louisiana, immediatists attempted to transform an oppressed people into independent proprietors and wage laborers. Immediatist men and women also worked in black refugee camps in the Chesapeake and Kentucky. In addition to providing clothing, food, medical care, and educational services, they lobbied for rent control, and helped former slaves find jobs locally and in the North. These efforts had numerous shortcomings. Northern immediatists had little understanding of slave culture, tended toward bureaucratic solutions, and patronized the freedpeople. Both black and white immediatists put too much emphasis on wage labor as a social cure and too little emphasis on establishing economic independence for the former slaves.



The front page of *The Liberator* from July 16, 1862. (Courtesy of the Library of Congress.)

When the freedpeople did not progress under these circumstances, immediatists tended to blame the victims.

In 1863, antislavery organizations began petitioning Congress in support of a constitutional amendment to prohibit forever slavery in the United States. When the ratification of the **Thirteenth Amendment** achieved this goal in December 1865, Garrison and his closest associates declared that their efforts had succeeded. Garrison ceased publication of *The Liberator* and urged the AASS to disband. He and those who agreed with him believed the Republican Party could best protect black rights and interests. However, a majority of immediatists, including Douglass, Phillips, and Smith, disagreed; they kept the AASS in existence until 1870. This division and the advancing age of most immediatist leaders signaled the movement's rapid decline. Immediatists, nevertheless, continued to participate in Reconstruction and in the debate over its character.

Early in the Civil War, immediate abolitionists advocated the right of black men to vote as a means of protecting their freedom. Immediatists favored land redistribution and advocated creating a federal agency to provide food and medical care to freedpeople, find jobs for them, and defend their civil and political rights. In December 1863, when Lincoln announced a mild Reconstruction plan that would leave former masters in control of the status of their former slaves, many immediatists criticized it as insufficient. They supported voting rights, education, and land for African Americans as recompense for generations of unrequited labor and as essential for black economic and political independence. In these things, immediatists were similar to Radical Republicans, but much more insistent on involving African Americans in the reconstruction process. The immediatist missionaries who went South worked with and on behalf of the former slaves. In 1863 and 1864, other immediatists pressured the Lincoln administration to sell lands confiscated from southern planters to former slaves. When Congress created the **Freedmen's Bureau** in 1865, it provided for this, but the effort failed.

As the war ended, most immediatists believed that Lincoln's policy of reconciliation with former rebels threatened the rights of former slaves. After Lincoln's **assassination**, immediatists mistakenly anticipated that his presidential successor, **Andrew Johnson**, would be more active in establishing black rights in the South, but by the fall of 1865, they had become very critical of Johnson. Black abolitionists in particular lobbied in Washington on behalf of the freedpeople. Following Johnson's veto of the **Civil Rights Act** in February 1866, immediatists began calling for his **impeachment**. They were disappointed when Congress failed to remove Johnson from office in 1868.

Immediatist influence increased after the congressional **election of 1866** in which their Radical Republican allies made impressive gains. Unlike the Radicals, however, most immediatists opposed the ratification of the **Fourteenth Amendment**, contending that its threat to reduce the representation in Congress of states that denied black men the right to vote was by no means a guarantee of **black suffrage**. Instead, immediatists advocated a revolutionary reordering of southern society that would provide justice and full citizenship for African Americans. They supported the Reconstruction Acts passed by

Congress in February 1867, which established military rule in the former Confederate states. With the exception of some feminists led by **Elizabeth Cady Stanton**, who believed that the right of white women to vote was more important than that of black men, immediatists supported the **Fifteenth Amendment** guaranteeing that the right to vote would not be denied to black men. With the ratification of this amendment in 1870, Douglass, Phillips, and Theodore Tilton declared that the immediatists had achieved their ultimate objective. Other abolitionists were not so sure, but the rump of the AASS voted to disband.

Four years later at a reunion in Chicago, aging immediatists acknowledged that they had been too hasty as northern politicians and opinion shapers sought reconciliation with the white South at the cost of black rights. They recalled their warning that northern support for black rights based on wartime expediency rather than morality was unsound. The immediatists themselves bore some responsibility. Once it became clear that there would be no extensive land redistribution, they placed too much hope in the ballot and left black southerners to fend for themselves in an increasingly hostile environment. Nevertheless, immediatists played a crucial role in ending slavery, in creating black institutions in the postwar South, and in placing protections for minority rights in the **U.S. Constitution**.

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*Stanley Harrold*

## Abolition of Slavery

The abolition of slavery is usually associated with the Civil War. Certainly it is true that this conflict made **emancipation** possible. However, slavery's end arguably is the most important event associated with wartime Reconstruction. That is, many phenomena associated with Reconstruction—the reorganization of the southern economy, biracial politics in the southern states, and the social and cultural upheavals associated with this period—started during the Civil War, including the abolition of slavery. However, none of these developments was as revolutionary as emancipation. Indeed, without freedom for the slaves, all the rest would have been moot.



### *From Slave to Contraband*

Freedom for the slaves did not appear likely in the early months of the Civil War. Both Unionists and Confederates denied slavery was a cause for the war. White southerners claimed they were fighting for independence, states' rights, and to defend their homes against northern aggression. White northerners asserted they fought to suppress a rebellion against the legitimate national government and to preserve the Union. Both groups disavowed slavery as irrelevant in a "white man's war" and rebuffed attempts early in the war by free black men to enlist in the North and South.

Significantly, it was the slaves themselves who demonstrated their own relevance. From the earliest days of the conflict, men and women in bondage never doubted the war was about them. Likewise, they constantly sought ways to transform it into a war of liberation. Even before the start of hostilities at Fort Sumter, **South Carolina**, in April 1861, slaves escaped their plantations seeking refuge from northern troops. These early escapees were rebuffed, but that policy soon began to change. Union soldiers found it hard to turn away slaves in the face of their horrid stories, often made believable by the all too visible scars of past whippings. For many northern troops, it was their first personal encounter with the "peculiar institution," and they did not like what they saw. Union officers also quickly realized that slaves were a military asset for the Confederacy. Slaves could dig entrenchments, deliver supplies, and provide personal service to the southern army, as well as keep the plantation system functioning despite the absence of so many white men who had gone off to war. Therefore, giving refuge to escaped slaves was a double gain for the Union; it deprived the Confederacy of their services while at the same time making their labor available to northern forces.

It took the crafty administrative brain of General **Benjamin F. Butler**, though, to formalize what quickly became an informal policy of giving sanctuary to escaped slaves. Butler had been a Democratic member of Congress from Massachusetts prior to the war. Once hostilities commenced, he accepted a commission as a general in the Union **army** and was initially assigned to oversee the occupation of Union-controlled areas in coastal **Virginia**. Like other northern officers, he soon realized the slaves' military value. Yet, like many white northerners in the early days of the Civil War, he also did not want to confront the institution of slavery itself. So Butler needed a way to justify legally holding onto slaves without challenging slavery's legality. What he devised was to declare slaves entering Union lines to be "**contraband** of war." In other words, because they likely would be used to support a rebellion against the legal government of the United States, the duly authorized agent of that government—the Union army—could seize the slaves as contraband (i.e., illicit property) and refuse to return them to their disloyal owners.

### *The First and Second Confiscation Acts*

Other Union commanders quickly copied Benjamin Butler's contraband policy and it became the basis for the First **Confiscation Act** passed by the U.S. Congress in the summer of 1861. This legislation made slaves used in support of the Confederacy subject to seizure. Federal officials quickly interpreted the

First Confiscation Act to mean that not only did federal officials in the rebellious states have the authority to confiscate the slaves of disloyal owners, but also that those slaves could be put to work for wages in support of the Union.

The First Confiscation Act also was evidence of growing sentiment in the North in favor of ending slavery. Certainly, black people and their white **abolitionist** allies had been in favor of emancipation at the beginning of the war and were eager to transform the conflict into a war of liberation. Some abolitionists were in positions of considerable authority and used their power to alter Union war aims to include the end of slavery. For example, in August 1861, General John C. Frémont declared the slaves free in Missouri by virtue of his authority as Union military commander in the state. However, Frémont's emancipation order never went into effect because President **Abraham Lincoln** forced him to rescind it.

Lincoln's decision showed his unwillingness to embrace abolition early in the Civil War. Although he personally hated slavery, Lincoln did not support abolitionism before the Civil War. Like most Republicans, he merely wanted slavery confined to the states where it already existed, with no possibility for its expansion into the western territories—the Free Soil position. Lincoln was loath to abandon this stance early in the Civil War because he feared alienating the four remaining Union slave states: **Maryland**, Delaware, **Kentucky**, and Missouri. Lincoln also hoped that if his government did not embrace emancipation, he might encourage the rebellious states to end their insurrection by showing them slavery would be safe within the Union if they returned to it.

Yet, as the war dragged on through the remainder of 1861 and into 1862, events increasingly made Abraham Lincoln's position untenable. The trickle of contraband slaves into Union lines in 1862 became a torrent as northern forces occupied increasingly large amounts of the South. Congress responded to the growing numbers of contraband slaves in the South by passing the Second Confiscation Act in July 1862. This law built on the First Confiscation Act by actually freeing the slaves of disloyal owners. So no longer were slaves that reached Union-controlled territory from the Confederacy in limbo merely as confiscated property—under this law, they became free.

In passing the Second Confiscation Act, Congress also was responding to increasing sentiment in the North in favor of emancipation. As the casualties and costs mounted from the fighting, conciliatory sentiments toward the Confederacy evaporated and the significance of slavery in the war became increasingly apparent. Many people in the North came to believe that if the Union was ever to be restored, to be truly healed, it must be as a nation without slavery. That is, emancipation was more and more perceived as the only result that would justify the horrendous number of dead, wounded, and missing men. While Union remained a northern war aim, it was increasingly seen as insufficient by itself to validate the tremendous human and financial sacrifice of the war.

### ***The Emancipation Proclamation***

The Second Confiscation Act also was passed by Republicans in Congress to pressure President Lincoln, whom the **Radical Republicans** in particular saw

as lagging behind his party in embracing emancipation. What they did not know was that during the summer of 1862, Lincoln's position on this issue was changing. By spring of 1862, he had already proposed federal support for the state-implemented emancipation in the border states, which would be gradual and where loyal slaveholders would be compensated. Lincoln also stated that he thought the emigration of emancipated slaves from the United States would be a good idea (although he quickly abandoned this position when it appeared impractical). Neither Delaware, Kentucky, Maryland, nor Missouri accepted in 1862 the idea of gradual compensated emancipation. Lincoln was reluctant to pressure these states because he feared they would leave the Union, especially Maryland—a state that surrounded the national capital, Washington, D.C., on three sides. So in May 1862, when another Union general, David Hunter, again tried to abolish slavery by military decree—this time in South Carolina, **Georgia**, and **Florida**—it is not surprising that Lincoln reversed Hunter's order, as he had done with John Frémont the year before.

Yet, by the summer of 1862, with pressure from Congress and a growing segment of the northern public, Lincoln realized how untenable his position on slavery was becoming. Hence, it is not surprising that by July, he told his cabinet privately that he planned to issue a proclamation freeing the slaves in the rebellious states. However, he also took their advice to delay a public announcement until the Union won a significant victory on the battlefield, so that the pronouncement would not appear as a desperate, last-ditch measure meant to stave off northern defeat.

This victory finally came on September 17, 1862, at the Battle of Antietam, when Union forces stopped a Confederate invasion of Maryland. Shortly thereafter, on September 22, Lincoln issued what became known as the Preliminary Emancipation Proclamation. This proclamation threatened that unless the seceded states rejoined the Union by the end of 1862, Lincoln would issue a decree freeing the slaves in those states. He also renewed his call for gradual and compensated emancipation in the border states. In neither case was there a positive response.

Abraham Lincoln's threat was serious. On January 1, 1863, he signed the final Emancipation Proclamation. As critics have pointed out, this pronouncement did not immediately free a single slave. It exempted not only the loyal slave states, but also those areas of the Confederacy then under Union occupation (a gesture by Lincoln to encourage Union sentiments). It is also true that Lincoln embraced emancipation more from expediency than principle. His main aim continued to be to save the Union and as far as slavery was concerned, he was prepared to do whatever it took to achieve that goal. As Lincoln famously wrote to **Horace Greeley**, editor of the *New York Tribune*, in August 1862, he was ready to preserve slavery if that would save the Union, and free some slaves while keeping others as slaves, to accomplish the same goal. The fact remains, however, that Lincoln chose to embrace both Union and freedom for the slaves, and once he did so, he never abandoned his support for emancipation. Lincoln famously reiterated his belief that the Union and emancipation had become inseparably intertwined in November 1863, when he spoke during the Gettysburg Address of a "new birth of freedom."

### ***Black Military Service***

The commitment of the Union to emancipation was further bolstered by the recruitment of black men into the Union army. The recruitment of black soldiers began in a limited fashion in late 1862 and accelerated considerably after Lincoln signed the final Emancipation Proclamation. From 1863 on, the Union army became an army of liberation, and freedom for the slaves became inexorably tied to Union success on the battlefield.

Not only did the nearly 179,000 black soldiers who served bolster the Union cause, but also their very existence undermined slavery. The most common excuse for excluding black men from military service before the Civil War was that they were not citizens. When military necessity for the Union prompted their recruitment, reversing the logic gave all black men a powerful claim to both freedom and citizenship. When blacks later claimed **suffrage** and other citizenship rights, they often cited the service of black soldiers in the Union army to strengthen their case. Indeed, black soldiers still in the army and recently discharged veterans played a prominent part in the black political conventions of 1865 and 1866 agitating for suffrage rights.

### ***The Thirteenth Amendment***

The widespread recruitment of black soldiers in the border states undermined slavery there by taking away many prime fieldhands from plantations. Slaveholders understood this and consistently opposed the military service of their property, but their opposition was eventually overwhelmed by the insatiable manpower needs of the Union army. Maryland and Missouri ultimately bowed to this reality, emancipating slaves on their own in late 1864 and early 1865, respectively. (Unionist governments in **Arkansas**, **Louisiana**, and the new state of West Virginia also freed their slaves by the end of 1864.) Delaware and Kentucky, however, stubbornly clung to slavery even after the final Confederate surrender in the spring of 1865.

It was the resistance of Delaware and Kentucky, plus uncertainty that statutory law or executive orders concerning emancipation were beyond reversal that prompted the **Thirteenth Amendment** to the **U.S. Constitution**. The amendment simply stated, "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." The amendment passed the U.S. Senate with the required two-thirds majority in April 1864, but was unable to pass the House of Representatives due to lack of Democratic support. After key Union victories in the fall of 1864 and Lincoln's reelection in November of that year, the House finally approved the amendment in January 1865, and by the end of the year, it had been ratified by the states. The year's delay in the Thirteenth Amendment passing Congress, though, is indicative that as late as 1864 there was still significant opposition or indifference to emancipation in the North. (The racism that underlay this sentiment would manifest itself again in the mid-1870s and prove instrumental in bringing Reconstruction to an end.) The resistance also probably explains the decision of Congress in March 1865 to free the families of black soldiers (a move that strongly undermined slavery in

Kentucky by stimulating the enlistment of slaves into the Union army), and to found the **Bureau of Refugees, Freedmen, and Abandoned Lands**—the Freedmen’s Bureau—an agency meant to guide former slaves in the transition to freedom.

### *Liquidation of Slavery*

Still, the fact was that by early 1865, slavery on the ground in the U.S. South was rapidly on its way to extinction. The actual end of slavery in particular locales varied from place to place. In some locations, owners bowed to the inevitable and freed their slaves with the arrival of the Union army. In other places, it was necessary for army officers or agents of the Freedmen’s Bureau to inform slaves of their liberation. Some slaveholders, especially on isolated plantations, tried as long as possible to hide the news. This proved difficult to accomplish, however, especially as the prospect of their liberation long preceded the arrival of Union forces, and slaves determinedly sought out any news that might herald approaching freedom. With the prospect of freedom, slaveholders often were forced to bargain with their slaves to retain their labor, even before northern troops actually reached their locale.

The end of slavery, of course, begged the question of what would replace it. It was here that the work of Reconstruction began in earnest. Wartime Reconstruction occurred mostly on an improvised basis, which should not be surprising, given the fact that a **labor system** that had dominated a vast region for centuries was eliminated in the midst of huge and tumultuous civil war. The slaves themselves seemed content, when allowed, to cease the production of staple crops—such as cotton—in favor of food crops like corn that always had been central to the private plots owners often allowed them to grow. Abolitionists and other philanthropic northerners organized **Freedmen’s Relief Societies** to assist and guide newly liberated slaves, most famously in the so-called **Port Royal Experiment** in South Carolina. Northern entrepreneurs eager to prove that cotton could be produced more profitably using free labor than it had been under slavery joined them at Port Royal and other locations. Treasury Department agents eager to unload property they had confiscated from rebel slaveholders supported both groups. The efforts of the northern activists and budding cotton planters in South Carolina, Louisiana, and other locations was often undermined by their own ideological rigidity and inexperience, Confederate raids, and the recruitment of black men in the Union army and as military laborers. More realistic and lasting alternatives to slavery would have to wait for the end of the Civil War, when peace would allow for a more stable reorganization of a society turned upside down. *See also* Confiscation Acts; Howard, Oliver Otis.

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### **Adams, Charles Francis, Jr. (1835–1915)**

The direct descendant of two presidents (John Adams and John Quincy Adams), the son of a distinguished politician and diplomat (**Charles Francis Adams, Sr.**), and the brother of perhaps the deftest ironist America ever produced (Henry Brooks Adams), Charles Francis Adams, Jr., inevitably bore the peculiar burdens of his prominent surname. A soldier in the Civil War, a sometime lawyer, journalist, railroad reformer, and historian, he also shared his younger brother Henry's eclectic tastes, as well as the latter's talent for self-deprecation. Unfortunately, given the historical record, this shared fraternal gift lacked a certain zest in Charles's case.

In nearly all things political, Charles was a moderate, a tendency that manifested itself in a streak of independence, especially given the conflicted times in which he came to maturity. As a Civil War officer, for a short time he led the Fifth Massachusetts, a largely **African American** regiment. He consistently doubted the intellectual capabilities of his charges, but believed that military life could have an overwhelmingly positive influence on the African race. At war's end, he expressed dismay at the radical disposition of his home state of Massachusetts, preferring easier terms for southern reconstruction.

After 1865, this independence took the form of faith in scientific methods and ideas, particularly of a Comtean stripe, which made him somewhat of an iconoclast in his newly chosen field of interest, the burgeoning **railroad** industry. Admittedly naïve, he thought he could be useful to the industry by offering his services as a reformer. In 1869, he gained some prominence by exposing the corrupt, cutthroat practices of railway competitors in an article entitled "A Chapter of Erie." "Chapter" is more distinguished for its attention to detail and aloof patrician sensibility than for any radical indignation. True to his Adams birthright, Charles ironically condemned the dealings of Vanderbilt, **Gould**, and Fisk as vulgar and ungentlemanly. More than a few observers agreed, giving Adams a reputation as a trenchant critic and industry insider. In a freewheeling age, Adams believed that ordered, rational regulation of railroads was possible, and he dedicated the next two decades of his life to this philosophy, particularly as the dominating mind in the Massachusetts Railroad Commission, established in 1869, which he lobbied to create, arguably a state-wide predecessor to the Interstate Commerce Commission (ICC).

In tune with his independently genteel proclivities, he was among that group of New England intellectuals who sought political reform of the Republican Party in the mid-1870s, particularly in the troubled 1876 election (an effort that met with obvious failure). After a decidedly mixed tenure as president of the Union Pacific Railroad, ending in 1890, Adams left the industry for good. Over the rest of his life, he wrote numerous well-regarded histories, including two prominent biographies, of Richard Henry Dana and his father. He died in Massachusetts in 1915.

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Peter A. Kuryla

### Adams, Charles Francis, Sr. (1807-1886)

The son of John Q. Adams and the grandson of John Adams, Charles Francis had a distinguished political and diplomatic career. He was destined for governmental service. After graduating from Harvard in 1827, he read law with Daniel Webster. While practicing law in Boston, Adams devoted himself to scholarly activities, particularly U.S. history. He edited the letters of his grandmother, Abigail Adams, and undertook the lifelong task of editing the papers of his grandfather, John.

His successful marriage to a wealthy daughter of a Boston merchant allowed him to continue his gentlemanly activities and later to engage in political and diplomatic affairs. First active with the Anti-Masonic Party, Adams supported Martin Van Buren for president. He supported the **Democratic Party** because the Whigs had been so unkind to his father. By the mid-1830s, Adams's political activities changed along with many of his contemporaries.

Adams became a conscience Whig committed to antislavery and against the annexation of **Texas**. He served in the Massachusetts House and the U.S. Congress. Later, in the 1840s, he began his political pilgrimage that led to the Republican Party. In the decade before the Civil War, he sought the restriction of slavery and the slave interests. In 1858, he was elected to the House of Representatives. Adams believed that **Lincoln** was a weak candidate and therefore supported **William Henry Seward** in his push to the White House. In the days before the firing on Fort Sumter, Adams worked for compromise, but his efforts failed.

After Seward was appointed secretary of state, Adams accepted the position as America's representative to Great Britain. It was his greatest contribution to the Union war effort. He effectively protested the cozy relationship of Great Britain to the rebel states and worked to end the utilization of Great Britain (and France) as a source of supplies. His son, Henry Adams, ably helped him in the diplomacy of the situation. It was close, but Adams realized his goal. England did not support the rebel states in any significant manner.

He resigned in 1868 and retired from active political and policy activity since he was a strong critic of Radical Reconstruction both in theory and practice. He helped settle the Alabama Claims. Active in the **Liberal Republican** revolt in 1872-1873, he nearly won the presidential nomination. Defeated, he returned to publishing the Adams family papers, an activity that stood the test of time until well into the twentieth century. His last campaign was a defeat for the governorship of Massachusetts. By the late 1870s, his mind began to wander and his health declined.

His efforts at the Court of St. James were his greatest contribution to the creation of a new nation after 1865. A gentleman scholar, his conservative manner and desire to uphold his family's ethical standards meant he made an invaluable contribution to the nation.

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*Donald K. Pickens*

## African Americans

The place of African Americans in Reconstruction was central. The emancipation of slaves during the Civil War, after centuries in bondage, initiated a world-shattering transformation in the political, economic, and social order of the American South. Yet black freedom also was revolutionary because former slaves played an unusually active role in bringing it to fruition. Likewise, in few other places in the Americas after slavery's end did people of African descent achieve real power and influence so quickly and so widely.

Nowhere is this last fact as apparent as in African American involvement in Reconstruction politics. At least 1,465 black men served in elected and appointive political office in the U.S. South between 1867 and 1877. Some of the men who served literally had been slaves only a few years before. Black office holding resulted from the genuine aspirations of African Americans themselves; the political idealism of the **Radical Republicans**, who genuinely believed in racial equality; and the practical calculations of **Moderate Republicans**, who realized that only the participation of black men would make a successful party organization possible in the South.

African Americans greatly desired political involvement to promote the needs and aspirations of their race. An active political role for them was made possible by the Reconstruction Act of 1867, which dissolved the state governments in the South constituted by **Andrew Johnson**, and provided for the formation of new state governments on the basis of universal manhood **suffrage**. Not only could black men vote for delegates to the **constitutional conventions** that would organize the new governments, but also they could run for election as delegates themselves. Nearly 150 black men were elected as delegates to the state constitutional conventions in 1867, and many more would serve in political office at the local, state, and federal level in the years to come. (In fact, sixteen black men served in Congress during Reconstruction.)

The black political agenda in Reconstruction stemmed in part from aspirations of the former slaves. Freedom was not an abstract concept for African Americans, but one with tangible, achievable meanings. For example, many ex-slaves in the wake of emancipation sought to rid themselves of "badges of servitude," which consisted of the restrictions on how slaves could dress,



their proper behavior vis-à-vis whites, and what they were allowed by their owners to possess in the way of petty property. Naturally, emancipated slaves sought to free themselves from these limitations. They dressed nicer, refused to act subserviently to whites, and began to acquire such heretofore banned possessions as firearms, liquor, and pet animals.

During Reconstruction, African Americans also asserted their freedom of movement. The most telling restriction placed on slaves was that they could not leave their owner's plantation without permission. Often, the earliest action of black people in asserting their freedom was to depart the plantation where they had been enslaved. Many left seeking better living conditions and some ended up in southern cities that quickly gained a reputation of being places where "freedom was freer."

Another reason to exercise their new freedom of movement was for ex-slaves to go in search of lost loved ones. Family members found themselves separated from each other all too often during slavery due to sale, estate division, and other causes. Black people sometimes traveled long distances in an attempt to find family members they had been separated from under slavery. Some of these people knew where to go, others did not. Hence, it was not unusual in black newspapers during Reconstruction, and for decades thereafter, to find advertisements from former slaves seeking information on the whereabouts of lost family members.

For those black families who remained together or who proved able to reunite with their loved ones, Reconstruction was a time to strengthen family ties. Couples in "abroad" marriages (where a couple had different owners during slavery and was forced to live apart on separate plantations) were able to set up full-time housekeeping together. Countless couples married



African American teamsters near a signal tower in Bermuda Hundred, Virginia, 1864. (Courtesy of the Library of Congress.)

in slavery reaffirmed their bonds by entering a legal marriage once that right came during **Presidential Reconstruction**. It was also common for black men to take the surname they associated with their father to assert patriarchal family connections. In some cases, black men also removed their wives and children from fieldwork as another way to assert their patriarchy and bring their families closer to respectable Victorian norms. Not all women supported this move toward greater patriarchy in the black community, though.

Just as many African Americans thirsted for a more stable and secure family life during Reconstruction, they also yearned for **education**—to learn how to read and write. Learning, like freedom of movement, had been denied to slaves as yet another badge of servitude. Owners feared educated slaves would become discontented and be better able to resist bondage. Once freedom came, many former slaves naturally desired an education, not only to avail themselves of a once-denied opportunity, but also from the recognition that they would not be able to take advantage of the possibilities of freedom as fully as they might without it. No formal education system existed in the South at the beginning of Reconstruction that ex-slaves could turn to. However, **Freedmen's Relief Societies**, the **Freedmen's Bureau**, and other organizations took an interest in educating former slaves, and numerous small schoolhouses appeared all over the South. Observers there often could witness the curious spectacle of children beside their parents, both learning how to read and write.

Yet, perhaps the most fervent desire of the black masses in Reconstruction was landownership. African Americans understood that to be fully independent from whites, it would be necessary to own land; otherwise, they would continue to be dependent on their former owners, and subject to economic pressure and other forms of intimidation. Many former slaves believed they were entitled to receive the land of their former owners, both as compensation for their years of uncompensated toil and as a reward for their loyalty to the federal government during the war (particularly the service of nearly 200,000 black men in the Union army and navy).

The federal government did take some tentative steps in the direction of promoting landownership among former slaves. In early 1865, Union general **William T. Sherman** issued **Field Order No. 15**, setting aside land in coastal **South Carolina** and **Georgia** for the settlement of African Americans. Each black family was eligible to occupy up to forty acres and receive the loan of army mules to cultivate the land—most probably the origin of the phrase “forty acres and a mule.” Likewise, Congress passed the **Southern Homestead Act (1866)**, which gave former slaves priority over most white southerners in claiming up to eighty acres of federal land in **Arkansas**, **Alabama**, **Florida**, **Louisiana**, and **Mississippi**. However, Field Order No. 15 was nullified by the **Amnesty Proclamations** of Johnson, which restored the lands of ex-Confederates and ended any realistic hope that former slaves might have of land redistribution. Andrew Johnson also implemented the Southern Homestead Act so that black applicants received no particular preference under the law contrary to its intent (which effectively put them at a disadvantage compared to whites).

The fact was, however, that not all African Americans were enthusiastic about land redistribution. The black elite in the South, which disproportionately consisted of those who had been free before the war and the light-skinned, tended to emphasize suffrage and equal rights over economic issues. Consisting of property owners, or men who realistically aspired to buy property one day, these black men tended to oppose land confiscation and redistribution. They made common cause with white Republicans on this issue, few of whom supported confiscating land from ex-Confederates—even among the Radical Republicans. The fact that members of the elite predominated among black officeholders during Reconstruction also meant they rarely pushed this issue in Congress or state legislatures (not that it had much chance of passing even if they had, due to white majorities in these bodies).

Hence, most African Americans during Reconstruction did not achieve the dramatic economic progress comparable to that demonstrated by their race in politics. However, neither were white southerners successful in coercing them into the quasi-slavery of **contract** labor in **agriculture**, which was the point of the **Black Codes**. Instead, former slaves found themselves participating in new **labor systems** based on a compromise between landowners and laborers. The most notable new arrangement, of course, was **sharecropping**. Under this system, in return for the use of land, the farmer (which could be white as well as black) would give the landowner a quarter to a third of the final crop. Plantation owners could not as tightly control black laborers under this system as they had under slavery, but found they could obtain a reliable workforce. Former slaves did not achieve landownership under sharecropping, but it gave them considerable day-to-day freedom from supervision. Not all former slaves participated in sharecropping. Some rented land paying cash rather than a share of the crop; others worked for cash wages as agricultural laborers. It is also significant that the 1880 census, the first after the end of Reconstruction, found that about 20 percent of black farmers actually owned the land they cultivated.

Hence, some African Americans achieved a significant degree of independence during Reconstruction. Yet, for the black masses, institutions rather than property tended to underlay it; therefore, to the degree that they achieved autonomy during Reconstruction, it was more as a people than individually.

No institution embodied an independent existence for African Americans during Reconstruction like black **churches**. This period saw the emergence of denominations organized by and catering to former slaves in the South. There was a mass departure of black people from white-controlled churches into the African Methodist Episcopal (A.M.E.) Church, and other Protestant denominations, such as numerous black Baptist groups. These churches became far more than simply places of worship. Clergymen became the most important source of leadership in the black community, helping to shape the political beliefs of their parishioners. As many former slaves could not read, in church they learned from their minister who to vote for, which issues to support, and who their friends and enemies were. Some black ministers went as far as to run for political office themselves.

The church, though critical, was not the only independent institution for African Americans. While many of churches had existed prior to the Civil War

among free people of color, Reconstruction allowed these institutions to develop more fully as they gained more freedom from white interference. Fraternal organizations and women's clubs multiplied to satisfy the need for sociability, assistance to members, and as centers for community action. Mutual aid societies and insurance companies catering to the black community developed to help people cope with the vicissitudes of life. Black-owned businesses sprung up, especially those serving the special needs of the community, such as barbershops, beauticians, undertakers, and the like. Black newspapers also commenced publication, especially in the major cities. Likewise, many black institutions of higher education sprung up during this period.

Still, the critical focus on African Americans during Reconstruction must remain on politics. Blacks achieved a degree of success during this period that would not again be repeated until the post-World War II **civil rights** revolution. Yet their success was not simply in electoral politics. Both white and black politicians realized the untapped potential of the black population in the South and sought to utilize it. In the wake of the Civil War, the Republicans moved south with the **Union Leagues**. While the purpose of this organization was ostensibly to promote loyalty to the Union, the real purpose of this grassroots political club was to draw black men into the Republican Party. The Union League proved enormously successful at this task, making African Americans in the South loyal Republicans until the arrival of the New Deal in the 1930s.

African Americans also engaged in mass political organizing on their own during Reconstruction. Early in this period, blacks in the North as well as in the South held a series of local and regional political conventions. While the conventions addressed many issues, their main focus was on achieving suffrage and other citizenship rights for black men. The delegates to the conventions saw it as essential that blacks enjoy the same rights as whites to successfully function and compete as free people. The conventions achieved considerable success in this goal—at least in the short run. Citizenship rights initially came to black Americans with the **Civil Rights Act (1866)** and more substantially with the ratification of the **Fourteenth Amendment** to the U.S. **Constitution** in 1868. As noted, they also achieved suffrage rights in the South with the Reconstruction Act of 1867 and nationally with the ratification of the **Fifteenth Amendment** in 1870.

The tragedy of Reconstruction for African Americans was that the revolution for them during these years was not immune to counterrevolution. Most white southerners came to resent greatly the advances of black people, correctly seeing it as a threat to white supremacy. They responded with passionate resistance, most famously through the **Ku Klux Klan**. Through fraud, intimidation, and **violence**, the Klan and other so-called “regulator” groups slowly ground down the determination of northerners to remake southern society until white Republicans openly abandoned their black allies in the wake of the **election of 1876**. Murders, beatings, arson, and other forms of terrorism also slowly sapped, if never completely extinguished the resolve of blacks in the South. They proved unable to resist the efforts of white southerners to roll back their political gains in Reconstruction through **disfranchisement** and the rise of segregation.

However, African Americans never saw their gains from Reconstruction entirely extinguished either. Many of the independent institutions they established during this period survived and even flourished, remaining a source of strength and succor even in the darkest days of **Jim Crow**. Likewise, they maintained the gains made in law in terms of family and marriage. Finally, Reconstruction was never forgotten by the black community, and became a source of example and inspiration when the second Reconstruction of the U.S. South began in the 1950s. *See also* American Missionary Association (AMA); Black Politicians; Black Suffrage; Black Troops (U.S.C.T.) in the Occupied South; Bruce, Blanche Kelso; Bureau of Refugees, Freedmen, and Abandoned Lands; Civil Rights Act of 1875; Davis Bend, Mississippi; Delany, Martin R.; Lynch, John R.; Military Reconstruction Acts; Revels, Hiram R.; Union League of America.

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*Donald R. Shaffer*

## **Agriculture**

The Civil War exerted a profound impact on the agricultural system of the United States. Northern agriculture received a boost during the war years, while southern agriculture was dealt a severe blow. Because the country remained primarily an agricultural nation after the war, reviving the farming system in places where it had been damaged stood out as a significant but difficult goal for American leaders, especially those in the South. Hindrances to recovery were related not only to farming practices, but also sectional animosities and racial attitudes. The farming system eventually stabilized, and while it retained many prewar aspects, it also reflected new realities.

### ***The Impact of War and Reconstruction***

Most of the fighting during the Civil War took place in the South, wreaking havoc on the region's agricultural system. Both Union and Confederate armies destroyed fields in their wake; the **emancipation** of slaves disrupted the **labor system**; manpower dwindled because of the large number of casualties in Confederate ranks; and even farm animals were scarce as a result of the war's carnage. Complicating matters was the destruction of the South's communication and transportation network, especially **railroads**, and the worthlessness of Confederate money. One of the most famous anecdotal allusions to the desperate situation comes from the surrender at Appomattox

Court House in **Virginia**. There, Confederate general Robert E. Lee, aware of the coming difficulties his soldiers would face in reviving their farms after the war, asked Union general **Ulysses S. Grant** that his men be allowed to keep their horses; Grant acquiesced. In some cases, the farms and plantations to which Lee's soldiers and other ex-Confederates returned had become dilapidated. New realities concerning race also confronted them on their return home.

The passage of the **Thirteenth Amendment** in 1865 officially ended slavery in the United States. President **Abraham Lincoln** had issued the Emancipation Proclamation during the war, on January 1, 1863, freeing **African American** slaves in certain areas of the South. Most of these "freedmen," or "freedpeople" as ex-slaves were sometimes called during Reconstruction and later by historians, remained in the South after the war. Recent historians have increasingly emphasized the freedmen's role in Reconstruction, while granting less attention than earlier scholars to political events unfolding in Washington. The **impeachment** trial of President **Andrew Johnson**, for example, received a great deal of attention from historians until the late twentieth century, when the racial issues of Reconstruction grew in importance.

Trained in farmwork and restricted from seeking employment in other fields, blacks played a major role in rebuilding the agricultural system after the war. However, immediately after the war they found themselves in conditions strangely similar to slavery. The **Black Codes**, laws that conservative white leaders implemented in the southern states after the war, denied many basic **civil rights** to blacks. Among the restrictions included in the codes were prohibitions against interracial marriage and liquor distillery ownership. The codes also prevented blacks from starting businesses or making a living as skilled craftsmen without first paying for expensive licenses and obtaining court permissions. In the opinion of many southern whites, the Black Codes provided the edifice upon which black subordination would be maintained in the postwar period. The attitude that the ex-slaves were fit only for manual labor—especially fieldwork—endured well into the twentieth century.

### ***Readjusting to a New World***

Officials of the U.S. government attempted to aid the freedmen in their attempt to adjust to freedom. Established by a March 1865 act of Congress, the **Bureau of Refugees, Freedmen, and Abandoned Lands** provided important services to blacks. For example, it offered advice concerning labor **contracts** and provided **education** in Freedmen's Bureau schools. Nevertheless, in 1872, federal officials shut down the Freedmen's Bureau, an agency that, it could be argued, had provided the first large-scale social programs in the United States.

Aid from the Freedmen's Bureau notwithstanding, the freedmen strove for as much independence as possible in an agricultural system, which, like slavery, was tilted heavily against them. Black landownership was nearly nonexistent, so their nominal freedom did not translate into economic liberty.

For blacks toiling on plantations, many of which were still intact after the war, working and living patterns did change during the Reconstruction era. Gang and squad systems were employed as work patterns immediately after the war, but, because they were reminiscent of the systems used under slavery, new forms of labor arose, which blacks found more agreeable. One of these new forms was **sharecropping**. A landlord provided sharecroppers with land and farming tools, and, in return, sharecroppers surrendered to the landlord a percentage (a “share”) of their crop.

Sharecropping allowed black laborers to escape the old slave quarters, often built close together and within easy view of the landowner’s home, and to escape old work patterns, especially the direct supervision under the old gang and squad systems. Consequently, they gained a degree of independence from whites, while distancing themselves from their former status as slaves. Not all whites grasped the symbolic nature of black sharecroppers’ desire to abandon these old patterns of living to farm small patches of land located farther away from the landlord’s home than the slave quarters had been situated.

The once-vast plantations were split into a number of small units farmed by poor sharecroppers. Over time, developments occurred in the sharecropping system, which trapped many blacks and poor whites alike. Perpetual debt often hounded sharecroppers, and landlords sometimes offered them unfair contracts. Abuse and exploitation became the shameful hallmarks of a system once welcomed by the freedmen as a more appealing alternative to previous work arrangements. This system of subjugation, with sharecroppers ever more in debt and eventually becoming tied to the land, had its roots in the Reconstruction era. In many places across the former Confederacy, sharecropping remained intact until as late as the 1950s and 1960s.

Although certain aspects of southern agriculture, such as the cotton industry, rebounded from the shock of war, others struggled to regain their prewar vitality during the Reconstruction era. While working and living patterns changed dramatically, cotton continued to be the dominant crop grown on southern plantations, especially those in the Deep South. The increased use of fertilizers during Reconstruction enabled agriculturalists to grow the crop in regions of the South that had known little or no cotton production. Tobacco farming, most of which was carried out in the upper South, re-established itself after the war, but continued to struggle. Growing bright and white Burley tobacco proved to be profitable ventures for farmers, while the production of dark tobacco brought fewer financial rewards. The other two major southern crops prior to the Civil War, hemp and sugarcane, never recovered from the carnage of the war. Rice replaced sugarcane on many **Louisiana** plantations, a switch that tended to pay off for rice growers. In coastal **South Carolina** and **Georgia**, however, the rice industry suffered decline, as black workers increasingly turned to other industries for their livelihood.

### ***Agriculture in the North, Midwest, and West during Reconstruction***

Agriculture in the North fared far better during the Reconstruction period than it did in the South. Many of the ills that afflicted southern agriculture,

such as labor system breakdown, wartime destruction, and economic ruin, did not apply in the North. In fact, the opposite was quite the case, with the war providing a boom for northern markets and producers. Northern farmers benefited from the Union army's demand for food, as well as continued demand from European markets. New technologies, such as reapers, mowers, and other advances enabled northern farms to increase production and meet this demand. Milk proved to be an especially valuable farm product for the Union army. As in the South, agricultural production also benefited from the use of fertilizers. Growing urban markets (largely due to immigration) affected farmers in other regions of the North, providing a boost to commercial farming. In many cases, the value of a northern farmer's land increased as a result of the war.

The Reconstruction era, however, was not all positive for northern farmers. After the war, the once-profitable sheep raising industry in New England declined significantly. Farmers in this industry felt the impact of several factors: lack of tariff protection, opening of western lands, and the expansion of the **railroad** system. With heavier competition from foreign countries and mid-western farmers, sheep farming in New England became less profitable. Northern agriculturalists also felt the impact of impersonal economic forces influencing their occupation during the Reconstruction era. Distant markets, expanded railroads, new technologies, and other developments of the Reconstruction era—an intensification of the so-called Market Revolution that began before the war—would later prompt the populist movement, characterized by widespread agrarian unrest in the South and the West.

Another issue related to agricultural developments was westward expansion. During the Civil War and Reconstruction eras, emigration to the mid-western and western section resumed its frantic pace. One motivation for westward migration was the availability of public lands. Settlers even received free land in the West through the provisions of the 1862 Homestead Act, which required a five-year residence on the land to establish ownership. Through the provisions of the Timber Culture Act and the Desert Land Act, territory also became available for free or at affordable prices, in exchange for making "improvements" in the land. Another motivation for westward migration was the growing lure of the cattle industry. A surge in European immigration, especially from Germany, helped fuel the populating of the West. With improved transportation, in particular the completion of the transcontinental railroad in 1869, access to the West was quicker, safer, and cheaper than ever before. This opened up western lands for development, benefiting many who went westward and having an array of effects on the rest of the nation's economic picture.

### *Conclusion*

During Reconstruction, the American agricultural system had to adjust from the trauma of the Civil War. Agriculturalists in the South faced the most daunting challenge, reviving the region's devastated farming system. New labor systems, sharecropping, and tenant farming aided their efforts and initially benefited blacks and poor whites. In the final analysis, although the



agricultural system had been somewhat altered after the Civil War, prejudice against these oppressed groups remained deeply imbedded in white southern racial and class ideology. Other areas of the country, while having to deal less intensely with the issue of race, contended against economic and technological changes, which proved both a blessing and a curse. Woven deeply into the fabric of national existence, the agricultural system in the United States maintained itself in the face of challenges and calamities during the war and Reconstruction, and served a vital role in the nation's recovery. *See also* Abolition of Slavery; Fourteenth Amendment; Freedmen's Relief Societies; Vagrancy.

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*James S. Humphreys*

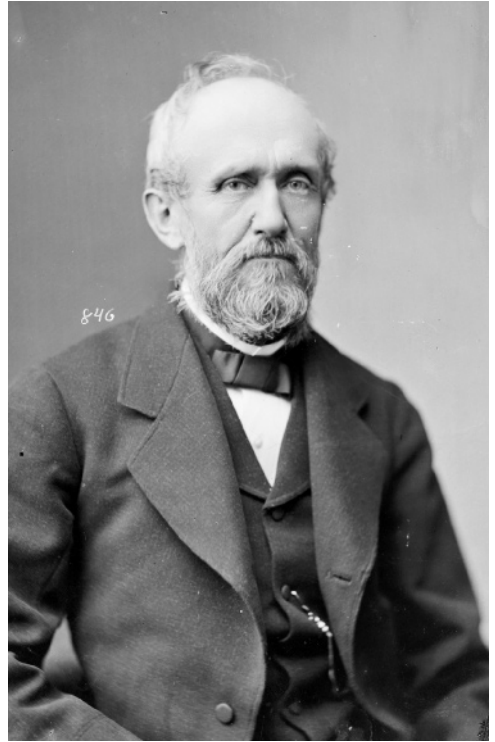
### **Aiken, D. Wyatt (1828–1887)**

Although remembered as a **Democratic** politician during later Reconstruction, David Wyatt Aiken of **South Carolina** was also one of the leading agricultural reformers of his day. Aiken was born in Winnsboro, South Carolina, on March 17, 1828, to two immigrants from County Antrim, Ireland, David Aiken and Nancy Kerr. He graduated from South Carolina College in 1849 and began farming near Winnsboro in 1852. Aiken immediately became interested in agricultural improvement, and in 1855, he was one of the founding members of the State Agricultural Society. Aiken became involved in Democratic politics the next year, attending the Democratic National Convention as a delegate. In 1858, he attended the Southern Commercial Convention in Mobile and began to make speeches in favor of secession. Serving with the Seventh South Carolina Regiment during the Civil War, Aiken was severely wounded at Sharpsburg.

During Reconstruction, Aiken continued his antebellum efforts to cultivate agricultural practices in the South and thus improve the lot of the white farmer. For Aiken, this required finding a means to control black labor in the absence of slavery. Aiken warned against overreliance on cotton, and turned to growing small grains, clover, and other crops at his "Coronaca" plantation in Abbeville County. In 1869, Aiken helped reorganize the old State Agricultural Society into the State Agricultural and Mechanical Society and encouraged the new body to do more to educate farmers. As part of that effort, he became a correspondent, and later editor and owner, of the *Rural Carolinian* from 1869 to 1877. Aiken's most significant work for agricultural improvement was his role as an organizer for the Patrons of Husbandry (the Grange), a fraternal organization for white farmers. In 1872, Aiken organized at least seventy-six subordinate Granges across South Carolina. He joined the Grange's

National Executive Committee in 1873 and served as head of the South Carolina Grange from 1875 to 1877.

Aiken had never left politics, serving as a representative in the South Carolina House of Representatives from 1864 to 1866. When the new state constitution was implemented in 1868, he canvassed the state for the Democratic Party. When Republican politician B. F. Randolph was assassinated in Abbeville County, authorities charged Aiken with the murder, but the charges were eventually dropped. Aiken stood as a candidate for Congress in the upstate's Third District in 1876. One observer noted that the local Granges often formed the backbone of the Democratic **Red Shirt** clubs that provided the muscle for the victorious white supremacy campaign that gave Democrats control of South Carolina and Aiken a seat in the U.S. House of Representatives. Once in Congress, Aiken served until 1887. "I speak for those who feed the cotton-gin and the grain-thresher and walk between the plough handles," he announced, and his greatest legacy was his ultimately successful fight to get the Bureau of Agriculture raised to a cabinet-level department. While that occurred in 1889, Aiken was not around to celebrate it; he died on April 6, 1887, of complications arising from a fall a year earlier. D. Wyatt Aiken's son, Wyatt Aiken, served in the U.S. House of Representatives from 1903 to 1917. *See also* Labor Systems; Redemption.



D. Wyatt Aiken, c. 1870. (Courtesy of the Library of Congress.)

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*Bruce E. Baker*

### **Akerman, Amos Tappan (1821-1880)**

A lawyer from **Georgia** and U.S. attorney general during the presidency of **Ulysses S. Grant**, Amos Tappan Akerman used his federal office to aggressively prosecute members of the **Ku Klux Klan** and to protect the **civil rights** of **African Americans** in the South.

Akerman was born February 23, 1821, in Portsmouth, New Hampshire. One of twelve children, he attended Philips Exeter Academy and graduated Phi Beta Kappa from Dartmouth College. To pay for his **education** he relocated to the South, teaching school in several locations before moving to Savannah, Georgia, to tutor the children of Judge John M. Berrien, U.S. senator and former U.S. attorney general. Akerman studied law with Berrien and became a member of the Georgia bar in 1850. He set up law practices in Clarkesville and

Elberton. A devout Presbyterian, Akerman married Martha Rebecca Galloway in 1864; the couple produced seven children.

Although opposed to secession, Akerman joined the Georgia State Guard in 1863 and was called into active service in 1864 as **Sherman's** troops moved through Georgia. He joined the Republican Party after the war and served as a delegate to the 1868 Georgia state **constitutional convention**, where he authored much of the document's judiciary section. In 1869, President Ulysses S. Grant appointed him federal district attorney for the state, and a year later, to the surprise of many, Akerman was offered the job of U.S. attorney general. Akerman's relative obscurity may have helped him secure the cabinet position; his nomination also reflected political maneuvers to secure the annexation of the Dominican Republic.

Along with his new position, Akerman assumed charge of the newly created Justice Department. He rigorously regulated government contracts with **railroads**, demanding that corporations fulfill all contractual agreements before receiving lucrative land subsidies. Akerman reserved his greatest efforts, however, to destroying the political force of the Ku Klux Klan in the South. In 1871, upon Akerman's recommendation, President Grant suspended the writ of habeas corpus in nine counties in Piedmont, **South Carolina**. Federal marshals arrested numerous suspected members of the vigilante organization, and Akerman's legal team helped to decrease the strength of the South Carolina Klan by prosecuting many of its leaders in federal court.

Akerman's dedication toward apprehending Klan members attracted criticism from some of Grant's cabinet members, who felt he had become overzealous in his cause. Corporate railroad interests also lobbied against him, leading President Grant to request his resignation in December 1871. Akerman returned to Cartersville, Georgia, where he had resettled his family in early 1871. He continued to practice law until his death from rheumatic fever on December 21, 1880.

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*Kimberly R. Kellison*

## **Alabama**

Alabama rejoined the Union on June 25, 1868 after opting for secession in January 1861. Although the Reconstruction period allowed Alabama to rectify its state constitution, harsh injustices toward **African Americans** remained an unsolved problem.

### ***Emancipation and the African American Population***

Southern whites believed that newly emancipated slaves would remain compliant to antebellum social codes. Newly freed blacks instead turned

riotous toward white power. Many southerners attested that the new generation of blacks was an agitated and troublesome group who would not submit to old labor laws. One of Alabama's Reconstruction governors, **Robert M. Patton**, noted a marked difference in the approach that blacks took toward **education** after the Civil War. Alabama blacks who were raised and educated before the **Emancipation** Proclamation were considered good students who were more capable of learning than postbellum African Americans. Patton continued by stating that young blacks roamed the streets day and night, especially on Saturdays when crowds of young people could be seen throughout the city. The young generation of freed slaves refused to obey their employer's demands because they felt that subservience to white industrialists would be the equivalent of submitting to bondage.

Freed slaves no longer wanted to work on plantations and therefore chose to labor on **railroads**, in coal mines, and other fields. A major reason why Alabama blacks were capable of manipulating white planters was the shortage of labor in industries that supported the South's economy prior to the Civil War. African Americans under plantation domination rebelled by rejecting work for white field owners. As an alternative, freed blacks bought or rented terrains to gain a livelihood and remain as far removed as possible from slavery.

Many regard the Reconstruction era as the first black renaissance. James K. Green was a prominent African American politician who later turned to carpentry. Green remembers that at the Civil War's end, he had no other aptitude except that of obeying his master. Postbellum blacks unrelentingly stressed the significance of education. The Alabama Senate Committee found startling results when they inspected a freedpeople's school in Opelika. Among the usual black children, the Alabama Senate Committee discovered three adults following courses. The adult students claimed that the ability to read and write would surely provide them with the necessary tools to someday act independently. Freed African Americans intended to use education as a means of communicating their views across the United States. Only after an effective rhetorical voice was established among African Americans could they truly fight for equal rights. The correlation between literacy and black identity was not a novel one developed exclusively during Reconstruction. Antebellum authors like **Frederick Douglass**, Harriet Jacobs, and Joshua Henson had established a pattern in African American education that lasted well into the twentieth century.

### *The Freedmen's Bureau*

The **Bureau of Refugees, Freedmen, and Abandoned Lands** (Freedmen's Bureau) was chartered by an act of Congress on March 3, 1865, to assist emancipated slaves in adjusting to new living conditions. Major Brigadier General Wager Swayne was assigned the post of assistant commissioner for Alabama. Swayne's tenure was rigorous from the start because he was responsible for an estimated 430,000 emancipated slaves who became dependent on the state when General Richard Taylor surrendered his Confederacy troops. The principal function of the Freedmen's Bureau was to relieve newly freed African Americans by using funds accumulated by the **U.S. Army**.

Alabama's Freedmen's Bureau consisted of five departments: Department of Abandoned and Confiscated Lands, Department of Records (Labor, Schools, and Supplies), Department of Finance, the Medical Department, and the Bounty Department. The state was split into five sections, with Freedmen's offices in Mobile, Selma, Montgomery, Troy, and Demopolis. Twelve northern Alabama counties were under the control of the assistant commissioner for Tennessee, General Clinton B. Fisk. A majority of Freedmen's Bureau offices were members of the Veterans Reserve Corps.

The Freedmen's Bureau and the **Union League of America** occasionally merged once **Congressional Reconstruction** was fully applied throughout Alabama. The Union League was a political group that attempted to educate and prompt African Americans to support the Republican Party. When Wager Swayne arrived in Alabama, he found that whites were apprehensive and blacks uncertain of their new freedom. Swayne resolved the dilemma by having the Freedmen's Bureau perform similar duties for emancipated Alabama blacks that plantation owners had before the Emancipation Proclamation; such functions included the distribution of clothing and food rations. Swayne's goal was to mold current institutions to post-Civil War standards instead of implementing an aggressive military stance. Alabama law courts remained closed to freed slaves until Wager Swayne appointed judges and magistrates to work as administrators of justice for the bureau. Reconstruction therefore amended the American Civil Code at both the state and federal levels since blacks now had equal representation before the law across the country. Judges and magistrates who contravened Swayne's assignment were revoked from office and replaced with administrators who would accept the Freedmen's Bureau's demands. One example of Swayne's determination was the resignation of Mayor Stough. Stough refused to allow the use of African American evidence against white defendants. The Freedmen's Bureau replaced Stough with John Forsythe.

### *Oath of Allegiance*

**Abraham Lincoln's** Amnesty Proclamation granted amnesty to any former Confederate individual willing to pledge allegiance to the United States of America. Representatives from Alabama signed the Oath of Allegiance on June 25, 1868. A great percentage of Alabamans signed because four years of warfare had left many poor and homeless. **Lewis E. Parsons**, a Talladega lawyer, was chosen as the **provisional governor** of Alabama by President **Andrew Johnson** on June 21, 1865. Governor Parson's tenure would last until a civilian government was ordained. Parson's responsibilities as state governor included registering citizens willing to pledge allegiance, holding a delegate convention for the drafting of a new constitution that guaranteed an end to rebellion, voiding Alabama's Civil War debt, and enacting the complete **abolition of slavery**. The oath of allegiance read as follows:

I ——— of the County of ———, State of Alabama, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States and the union of the states there under; and that I will, in the like manner, abide by and faithfully support all laws

and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves; so help me God. Subscribed and sworn before me, this ———. (Griffith, 447)

Leading Confederate representatives, former southern governors, high-ranking army and naval officers, and southern citizens owning property evaluated at \$20,000 or more were obligated to apply directly to the president for official **pardon**. The latter type of citizens were asked to sign an oath of allegiance that stipulated their rank, monetary worth, and their ties to the Confederate government. Alabama's media praised Parson's impartiality, moderation, and familiarity with the state.

### *The Alabama State Convention*

The Alabama State Convention was held in Montgomery on September 15, 1865. **Constitutional convention** delegates included Mr. Stanford, whose ordinance reduced the size of counties from 900 to 600 square miles. Mr. Webb proposed that all laws passed by the legislature on and after January 11, 1861, that were contradictions to the Constitution and laws of the United States be amended. The leader of the Alabama State Convention was former governor Benjamin Fitzpatrick of Wetumpka. Assisting Fitzpatrick was Tusculum delegate J. B. Moore.

Alabama's state constitution underwent four principal changes. One ordinance repealed the January 11, 1861, amendment to Alabama's state constitution so that it would recognize the immediate **abolition of slavery**. The convention decreed that Alabama would never allow the practice of slavery within its state boundaries. Alabama also recognized **black suffrage**, stating that security and protection of emancipated slaves would be ensured. Alabama would therefore accept responsibility for all desolate African Americans. Furthermore, Alabama nullified and voided all laws that were not in concordance with the **U.S. Constitution**. The Alabama State Convention eliminated any possibility that Alabama would ever again claim republic status. Moreover, Alabama resolved to aid the deserted families of Civil War soldiers and distribute veterans' annuities accordingly.

Alabama voters were asked to elect a new state governor on November 6, 1865. Three representatives were nominated: Robert M. Patton (Lauderdale County), M. J. Bulger (Tallapoosa), and **William H. Smith** (Tuscaloosa). Robert M. Patton ultimately won the election, collecting 21,442 popular votes. Alabama believed that presidential Reconstruction was not effective enough, and therefore rejected sending any delegates to Congress for three years, until the signing of the new 1868 constitution.

### *Alabama Blacks and Republicanism*

Republicans won the favor of Alabamans with the help of southern blacks who rallied en masse under the Republican banner. Blacks also enjoyed a new constitution and the right to purchase land as a direct result of Republican pressure. Black opposition toward the **Democratic Party** stemmed from the fact that Democrats were anxious to forget the past and consequently unsympathetic to

African American suffrage. Alabama's black community wanted their dilemmas treated before supporting any one party.

### *The 1868 Convention*

By 1867, Republicans in Congress had seized control of Reconstruction policy away from President Johnson. Ten southern states, including Alabama, would be placed under military supervision until new state constitutions were written and new federal officers elected.

Although the Confederate government no longer existed, its voice still remained fairly prominent in constitutional debates. Confederate advocates utilized newspapers as their primary source of communication. The February 2, 1868, edition of the Selma *Times and Messenger* stressed that no honest white civilian residing north or south of the Mason-Dixon Line should concur with an electoral testament of oath that advanced the idea of allotting the ballot to an illiterate and unintelligent race. In fact, former Confederates advocated that most blacks were unable to read the same constitution that gave them the right to vote. Alabama's conservative media attacked sections of the constitution that allowed interracial marriage, the admission of black children into public schools, and the banishment of more than 40,000 Confederate leaders.

The *Nationalist*, a radical newspaper, demanded that American whites contemplate voting against adopting a constitution that would force them to protect themselves from newly emancipated blacks. The fears were that African Americans would eventually reduce the number of powerful whites and subsequently weaken their stranglehold on America's public sphere. Republicans eventually lost the Alabama state election, regardless of their large following. Robert M. Patton attributed the disappointing loss to a lack of quality Republican representation and on constitutional amendments that explained how Radical Reconstruction would function instead of clarifying why it was necessary. According to the U.S. Constitution, Reconstruction was already a process in motion that would best suit the needs of all Americans.

The new constitution of Alabama was one based on defining the role that the state would play in the upcoming industrial age. Article 11 predetermined the new form of education that Alabama was to follow. Section 14 ensured state funding for state colleges and the University of Alabama. Institutions of higher learning financed by the state government were to receive large amounts of grants in order to develop excellent instruction in **agriculture**. Farming and horticulture would then form the basis of Alabama's postbellum economy. Article 12 outlined the new laws for Alabama's industrial resources. Annual reports were compiled noting the agriculture and geology of Alabama. These reports were designed to gauge the effectiveness of scientific development; based on their findings, the state of Alabama would decide whether or not more research in agriculture was needed. The commissioner of industrial resources submitted yearly evaluations of Alabama's machinery and production so that other states and foreign countries could decide if they wanted to invest in Alabama's economy. Such measures also encouraged the immigration and emigration of potential workers to Alabama, who would naturally increase the state's revenue through tax dollars.

### *The Ku Klux Klan*

The **Ku Klux Klan** countered Radical Reconstruction via terrorism across the southern United States. Klan members wanted a restoration of pre-Civil War race constraints that assured the white race of absolute power in the southern states. Congress's approval of the **Thirteenth Amendment** caused great apprehension among white supremacists. Scores of hate crimes including lynching, rape, and arson ensued against Alabama's black community. However, the acts were not merely driven by cultural and social need to subjugate blacks; white supremacists were deeply concerned about the voting power of African American males, granted under the **Military Reconstruction Acts** of 1867.

General George G. Meade addressed the various incidences of Klan aggression in the spring of 1868. The Anti-Kuklux Statute defined the Ku Klux Klan as an immediate threat against Alabama civilians that undermined the civil authority of Alabama's state government. Sections 1 and 2 of the Anti-Kuklux Statute stipulated that anyone seen masked or disguised in a Klan uniform would be fined or imprisoned. The Anti-Kuklux laws also applied to anyone seen in the presence of the latter persons. Section 5 tried to eliminate any possibility of racism in Alabama's judicial system for the reason that it obliged all magistrates, sheriffs, or other officials to act in accordance with the Anti-Kuklux Statute. Any official who refused to comply with Section 5 would be terminated immediately. Klan **violence** persisted despite the efforts of the state government, forcing the national government to intervene. Congress investigated the racial tension in Huntsville, Demopolis, Montgomery, Livingston, and Columbus from June to August 1871. The findings were filled with testimonials by freed slaves stating their fear that the Klan would soon reinstate the Confederacy. African Americans who benefited from equal **civil rights** or spoke against white supremacy were typically beaten or became victims of arson. Several whites who assisted Alabama blacks were also terrorized by the Ku Klux Klan. *See also* Amnesty Proclamations; Black Codes; Black Politicians; Bourbons; Carpetbaggers; Congressional Reconstruction; Disfranchisement; Enforcement Act (1875); Enforcement Acts (1870, 1871); Fourteenth Amendment; Labor Systems; Presidential Reconstruction; Readmission; Redemption.

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*Gerardo Del Guercio*

### **Alcorn, James Lusk (1816–1894)**

James Lusk Alcorn was a Republican governor of **Mississippi** and a U.S. senator during Reconstruction. Though born in Illinois, his family moved to



**Kentucky** soon after his birth. Admitted to the Kentucky bar in 1836, Alcorn practiced law for six years before moving to Coahoma County in the rich alluvial Mississippi Delta. There he became a wealthy lawyer-planter; by 1860, he owned ninety-three slaves. During the late 1840s and 1850s, Alcorn served as a Whig in the state legislature, where he devoted most of his time to the creation of a makeshift levee system to protect the frequently flooded Delta counties. After **Abraham Lincoln** won the presidential election of 1860, Alcorn served as a Union delegate in the state convention called to consider the question of secession. When it became clear that Mississippi would leave the Union, he announced that he would vote for the secession ordinance. The convention later appointed Alcorn a brigadier general of state troops, but after a brief army service, he resigned and went home to manage his plantations.

After the Civil War, Alcorn was elected to the U.S. Senate by the state legislature under President **Andrew Johnson**'s plan of Reconstruction. The Republican Congress, however, refused to seat Alcorn and the other representatives from the former Confederate states. When Congress assumed control of Reconstruction policy and enacted **black suffrage**, Alcorn announced his support for black political equality and led in the organization of the state's Republican Party. Unlike other southern states under military rule, Mississippi voters in 1868 rejected the new state constitution because it contained clauses politically proscribing many whites. The failure of the federal military forces to prevent the intimidation of black voters also contributed to the defeat of the constitution. In 1869, another vote occurred on the constitution, and, shorn of the proscriptive clauses, it was approved. In the same election, Alcorn easily won the governorship because he was supported overwhelmingly by black voters and a few thousand whites.

### *Alcorn as Governor*

In his inaugural address, Alcorn promised to protect black rights and to provide public **education** for both races. The school system that he helped to establish was racially segregated. His appointments to office reflected a strong prejudice against northern newcomers, known as **carpetbaggers**, and especially those who supported Senator **Adelbert Ames**, a **Radical Republican**. Alcorn believed that by appointing former Union Whigs to judicial position whites would be encouraged to support his administration and his party. In view of the poor condition of the state's finances, Alcorn, unlike several southern Reconstruction governors, warned against hasty schemes for **railroad** development.

Despite his moderate policies, Alcorn failed to obtain a broadly based following for the Republican Party. Most of the old citizens never recognized the legitimacy of the new political order. Opposition to Alcorn's party became clear by late 1870 with the rise of the **Ku Klux Klan**. Operating throughout most of the state, the Klan used both intimidation and **violence** in an attempt to overthrow Republican rule and suppress black rights. Senator **Adelbert Ames** and other Radicals demanded that Governor Alcorn seek federal intervention to put down the Klan. The governor, however, believed that state law enforcement

resources should be fully utilized before calling on President **Ulysses S. Grant** for federal troops. He asked the legislature for the authority and funds to raise an elite, white cavalry regiment that would be able to act swiftly wherever the Klan threatened a community. By a strange combination of Radicals, who had no confidence in Alcorn's plan, and Conservatives, who opposed any military force organized by "black Republicans," the legislature rejected the proposal. Only after the terror became endemic in the South did the Republican Congress, at President Grant's urging, pass legislation to suppress the Klan, although it did not completely end intimidation and violence in Mississippi.

### *In the U.S. Senate*

Meanwhile, Alcorn was elected to the U.S. Senate, and he resigned as governor to take his seat in late 1871. His main effort in the Senate was toward obtaining federal aid for the rebuilding of the Delta levees. He failed despite almost obtaining congressional approval of a \$3.4 million appropriation for the purpose. When his rival, Ames, won the Republican nomination for governor in 1873, Alcorn returned home, bolted the regular state party, and announced that he would run as a reform Republican. His effort to gain the support of conservative **Democrats**, who did not nominate a candidate, backfired. Most black voters as well as many whites refused to support him, and Ames won the election by a vote of 69,870 to 50,490. Alcorn continued in the Senate until 1877, after which he returned to his plantations in the Mississippi Delta. In 1879, President **Rutherford B. Hayes** briefly considered him for a position in his cabinet, but the post went instead to a midwesterner. Like many southern Republicans by the 1890s, Alcorn had succumbed to the hardening racism of the age. In 1890, he served as a delegate to a state constitutional convention and supported the adoption of a clause **disfranchising** blacks and making possible the passage of rigid segregation laws for the state. He died in 1894 at his home in the Delta. *See also* Carpetbaggers; Civil Rights; Congressional Reconstruction; Disfranchisement; Enforcement Acts; Jim Crow Laws; Presidential Reconstruction; U.S. Army and Reconstruction.

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*William C. Harris*

**AMA.** *See* American Missionary Association.

### **Amendments, Constitutional, Proposed by Andrew Johnson**

President **Andrew Johnson** had a generally conservative view of the U.S. **Constitution**. However, in a message to Congress of July 18, 1868, he

proposed four constitutional amendments to provide certain reforms that he believed to be necessary. An advocate of direct democracy, opponent of elite politicians, and ardent follower of the late Andrew Jackson, President Johnson hoped his measures would bolster and sustain white man's democracy in the United States.

First, Johnson wanted to eliminate the Electoral College so that the president and vice president would be elected directly by the people. He favored limiting the president to a single term of four or six years. However, mainly, he wanted to insure that the people would not be deprived of their choice, either by the electors or the House of Representatives, in case no candidate received a majority in the Electoral College. Johnson supported his proposal by citing an amendment sponsored by President Andrew Jackson beginning in 1829. Johnson also proposed an amendment detailing the succession to the presidency in case of the death or disability of both the president and vice president. This was an issue particularly on Johnson's mind because of the **assassination of Abraham Lincoln** and Johnson's own near removal through the **impeachment** process. Johnson believed that the successor should be someone in the executive department, such as a cabinet member, rather than the president pro tempore of the Senate or the Chief Justice. Both of these men would be leaders in the process of removing an official from office, and thus might have a vested interest in doing so. Johnson's third proposed amendment would allow the people to directly elect senators rather than having them elected by the state legislature. Finally, Johnson proposed that judges should have term limits, rather than serving for life or good behavior.

Although Johnson's **cabinet** members objected to his proposed amendments for a variety of reasons, Johnson submitted them to Congress anyway. He had previously proposed similar amendments in 1851, when he was a member of the House of Representatives, and in 1860, when he was in the Senate, but they had not passed. In 1868, both houses of Congress politely printed the president's recommendation and submitted it to their respective judiciary committees, where these proposals died.

Johnson was still advocating these amendments in 1873, after he had left the presidency. Congress took no action on any of these issues until the twentieth century. The Seventeenth Amendment, providing for the direct election of senators, became law in 1913. In 1967, the Twenty-fifth Amendment partially clarified the presidential succession by permitting the president to nominate a vice president if the office were to become vacant. In addition, a law passed in 1979 lists the other successors in order as the Speaker of the House of Representatives, the president pro tempore of the Senate, and then the cabinet members, beginning with the secretary of state. Elimination of the Electoral College and various term limits still generate controversy at times.

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## American Indians

Because the Civil War divided all Native American tribes in the Southeast and the Oklahoma Indian Territory into pro-Confederate and pro-Union factions, the U.S. government reconstructed the tribes at the end of the war, declaring that they had forfeited their rights by aiding the Confederacy. The Choctaw, Chickasaw, Creek, and Cherokee Indian tribes, which had been living in Oklahoma since their forced removal from the Southeast in the 1830s, divided over whether to fight for the Confederacy or the Union in 1861. Although the Choctaws and Chickasaws generally joined the Confederate cause, all tribes in the area provided some support to the southern rebellion. A massive exodus of population occurred as Union sympathizers moved out of their homelands. By 1862, Confederate Indian allies had been defeated and the region faced **violence** and terror from Union and rebel guerillas, lawlessness, hunger, and destruction of homes and livestock. The status of freedmen, nearly 30 percent of the population of the region, had to be determined.

Tribal leaders assembled at Fort Smith, **Arkansas**, on May 15, 1865, to deliberate with U.S. officials. Dennis Cooley, Elijah Sells, Thomas Wistar, Brigadier General W. S. Harney, and Colonel Ely S. Parker led the U.S. delegation and hoped to negotiate land cessions for the Comanche, Caddo, Osage, Cheyenne, Kiowa, Arapahoe, Lipan, North Caddo, and Anadarko Indians. Tribes that had divided during the Civil War had to be reconstituted. They also wanted to establish an orderly, new civil government for the entire region that would facilitate the American push westward. Indian leaders of each nation insisted that they were not sanctioned to sign any treaty, so each delegation received proposed treaties and promised to send representatives to Washington, D.C., in January 1866.

The Washington treaties of 1866 placed the Choctaw, Creek, Chickasaw, and Cherokee nations in the eastern half of Oklahoma and divided the western half into cessions for the Cheyenne, Arapaho, Iowa, Sac, Fox, Kickapoo, Pottawatomie, Shawnee, Seminole, Comanche, Kiowa, and Apache tribes. Each tribe established their own variants of republican government, created law codes and judicial systems, and abolished slavery. The freedmen proved an intractable problem for Indians since the status of mixed bloods made a clear demarcation between freed and subservient difficult. The U.S. government purchased Indian land for redistribution to Indian tribes as it saw fit. Funds received by tribes helped build schools and provided funds to care for orphans.

Many Seminole left **Florida** for Oklahoma in the 1860s as the Civil War raged. In 1866, they agreed to sell their land in eastern Oklahoma to the U.S. government for 15 cents an acre and in return purchased land in western Oklahoma for 50 cents an acre. Their reconstructed government consisted of two principal chiefs and a legislative body that served as both Congress and court. Full **civil rights** were granted to all persons regardless of their race or color, making the emancipation of slaves a less volatile issue.

The Creeks divided into a conservative, traditional faction and a more pro-United States group. The freedmen faced less prejudice than many had

predicted, and the tribe voted to remunerate blacks as well as Creeks from land sales. Schools flourished for both blacks and Creeks.

Understanding the mechanisms of U.S. government better than the Seminole or Creeks, the Choctaw and Chickasaw negotiated very favorable treaties with the U.S. government. Although agreeing to abolish slavery, they did not grant freedmen civil rights until the 1880s. After the Civil War, each tribe patterned their governments after the United States and included a written constitution, written law codes, and a bicameral legislature. They established schools for tribal members and mixed bloods, but did not include provisions for schools for blacks until the 1870s.

The Cherokee, the most divided tribe during the Civil War, continued to face serious internal dissension. They continued to use a constitution and government institutions patterned after the United States as they had done since the 1830s. Although unpopular among the Cherokee masses, blacks, Shawnees, and Delawares were granted all the civil rights of residents.

A general council of all tribes in Indian Territory was established in 1870. Although no individual tribe ever relinquished sovereignty to this organization, the council did serve as a successful conduit between Indian tribes and the U.S. government, especially when dealing with **railroad** and land negotiations. The council was abolished in 1878.

Reconstruction provided a means for the federal government to gain more power within Indian Territory. Insisting that new Indian governing institutions be patterned after those used by the United States and that land boundaries be refashioned to facilitate sale to U.S. citizens and railroad companies, the Reconstruction policies of the 1860s and 1870s helped the U.S. government gain an even stronger hold over Native American peoples, institutions, and culture.

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### **American Missionary Association (AMA)**

The American Missionary Association, founded in September 1846 as a merger of the Union Missionary Society, the Committee for West Indian Missions, and the Western Evangelical Missionary Society, supported the **abolition of slavery**. Led by Lewis Tappan, Simeon Jocelyn, Gerrit Smith, Joshua Leavitt, George Whipple, and William Jackson, the association sent

missionaries to Africa, Egypt, Hawaii, Ireland, Jamaica, the Sandwich Islands, and Siam to monitor living conditions. In the United States, missionaries labored in **Kentucky**, Missouri, **North Carolina**, and the Northwest and often faced beatings and ostracism in their communities. Channeling the impulses of humanitarianism and romanticism that surged throughout American and European culture in the 1840s, the missionaries sought to better the world in practical ways.

In the early years of the Civil War, the AMA collected and distributed clothing, food, and medicine to southern slaves in areas liberated by the Union army. They also sought homes for scores of black orphans that followed the Yankees. As northern blacks volunteered to join the army after the **Emancipation** Proclamation made the destruction of slavery an integral war aim, AMA missionaries volunteered to serve in black regiments as they journeyed southward to fight. They often upbraided both black and white Yankee soldiers for their sexual abuse and manipulation of freedwomen.

From the beginning, AMA laborers pushed **education**, as when Reverend Lewis C. Lockwood conducted schools in the **Virginia** war zone in late 1861. By 1863, schools had been established in the **District of Columbia**, Virginia, **South Carolina**, the Sea Islands, and Memphis, **Tennessee**. Focusing on **Port Royal**, South Carolina, as an early showplace of what could be achieved, thirty-one AMA teachers labored in fourteen schools with more than 1,000 students in the state. Not only interested in teaching basic literacy and mathematical skills, the missionaries hoped to spread Christianity as they defined it, inculcate middle-class values and morality, instill patriotism toward the United States, encourage a strong work ethic, and stimulate civic virtue and citizenship.

Complex and conflicting motives drove northern AMA missionaries to Dixie. Many insisted that their religion had to be practically applied; and what better place than in one's own backyard, the war-torn American South? Paternalism often tinged missionaries' behavior as they demanded that blacks assimilate their bourgeois values about work, sexuality, gender, and the family. They also encouraged blacks to pattern their religious practices after northern Protestant **churches** and become less emotional and more formalized. The missionaries pushed southward to bring schools to the South, believing that education would ensure real freedom for the freedpeople and to make white southerners less barbaric. As with many American reformers, they often viewed schools as a panacea for all societal woes.

As the war ended in April 1865, many northern benevolent societies competed against each other instead of uniting to help the freedpeople. The **Bureau of Refugees, Freedmen, and Abandoned Lands** Freedmen's Bureau, established in March 1865, attempted to unite and direct the efforts of organizations such as the National Freedmen's Relief Association, the Freewill Baptist and Boston Education Commission, Iowa Quakers, and the African Civilization Association. Although **Oliver Otis Howard**, Freedmen's Bureau head, could not persuade the AMA to let him coordinate their activities with his newly formed American Freedmen's Union Commission, he still used AMA workers as teachers in many Freedmen's Bureau schools. By 1871, he had appropriated more than \$4 million to schools led by AMA associates.

AMA workers faced enormous challenges as they tried to remake the South into the North while helping blacks become good Christian citizens. Mistrust and misunderstanding festered in almost all relationships. The AMA missionaries feared other white benevolent organizations that competed against them. Their regional bias made them haughty and condescending toward most white southerners. They not only alienated southern whites, but many southern blacks as well. Their middle-class worldview made them constantly harp about blacks' lying, stealing, sexuality, drinking, smoking, gambling, and cursing. Female teachers faced unusual challenges as they altered the Victorian cult of domesticity while performing many "masculine" tasks in the classroom and community.

In attempting to open schools in southern communities, AMA laborers often encountered **violence**, intimidation, and ostracism by local whites who considered them meddlesome and self-righteous. Schoolhouses were often burned and teachers were unable to secure lodging. School funding always proved problematic, with AMA speakers canvassing the North and England for donations.

Freedpeople diligently tried to collect enough money to buy the land for the schools so they could own it. They also continually petitioned the AMA and Freedmen's Bureau to send black teachers when possible, disdaining the paternalism that sometimes slipped into racism of many white instructors.

Although the AMA faced gargantuan problems during Reconstruction, their most significant and lasting contribution occurred in the creation of a southern school network. Early difficulties included procuring a location for a school and then building it, overcrowding, inadequate lighting and heating in the schoolroom, the endemic poverty of southerners that made purchasing school supplies or paying teachers difficult, and constant disruption in the school calendar during crop planting, cultivating, and harvesting time. By 1867, more than 400 AMA teachers labored in the South, teaching nearly 40,000 students in day and night schools and more than 18,000 students in Sabbath schools. A constant shortage of properly qualified teachers spawned creation of secondary and teacher training schools that included Fisk University in Nashville, **Tennessee**; Hampton Institute in Richmond, Virginia; Atlanta University in Atlanta, **Georgia**; Tougaloo University in **Mississippi**; Avery Institute in Charleston; Berea College in Berea, Ohio; Dillard University in New Orleans, **Louisiana**; Howard University in Washington, D.C.; Huston-Tillotson College in Austin, **Texas**; and Talladega Institute in Talladega, **Alabama**. Students studied the typical classical curriculum that included Latin, Greek, mathematics, science, philosophy, and history.

AMA officials innovatively raised funds. Black students who had been former slaves journeyed north to scour the region for donations. Their emotional stories pulled at both northern hearts and purse strings. A periodical of the organization, *The American Missionary*, pulled in more than half of the association's yearly funds and emphasized the successes, hopes, and fears of the freedpeople and of laboring missionaries. In 1871, the Fisk Jubilee Singers began touring the United States and Europe, singing African American spirituals and folk songs. Within their first fifty years of existence, they contributed more than \$150,000 to Fisk University, allowing it to become a preeminent African American university.

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### Ames, Adelbert (1835–1933)

Adelbert Ames, Union general, Reconstruction senator, and governor of **Mississippi**, was born October 21, 1835, in Rockland, Maine, to Captain Jesse Ames and his wife, Martha. As a youth, Adelbert and his older brother, John, sailed with their father, a sea captain, on numerous voyages. A strong student, Ames received an appointment to the U.S. Military Academy at West Point in 1856. He graduated fifth in a class of forty-five from West Point in May 1861. Commissioned a second lieutenant upon graduation, Ames soon received a promotion to first lieutenant of Griffin’s Battery of the Fifth U.S. Artillery. At the First Battle of Bull Run, Ames received a leg injury. Refusing to leave his battery, he continued to issue orders until he collapsed. A promotion followed, and years later, in 1893, his actions at First Bull Run earned him the Congressional Medal of Honor. Ames fought in numerous battles in the eastern theater, including the Peninsula Campaign, Antietam, Fredericksburg, Chancellorsville, Gettysburg, Petersburg, and Fort Fisher. By the end of the war, Ames had been brevetted to major general in the volunteer army.

Weighing options for his postwar career that included studying law and working in his father’s flour-milling business, Ames chose to remain in the regular army with the rank of lieutenant colonel. In spring 1865 he served with occupation forces in **North Carolina**, and later in the summer was transferred to **South Carolina**, where he remained until 1866. In North and South Carolina, Ames observed white reactions to **emancipation** and became increasingly sympathetic to the plight of the freedpeople. He received a year-long leave of absence from the army and traveled throughout Europe, returning to the United States in June 1867. After a visit to his parents, who had moved to Minnesota, Ames reported to his new command in Mississippi.

### *Enforcing Congressional Reconstruction*

The **Military Reconstruction Acts** of 1867 divided the Confederate South into five military districts, and Ames was assigned to the Fourth Military District covering Mississippi and **Arkansas**. He arrived in the district headquarters of Vicksburg in August 1867. In June 1868, President **Ulysses S. Grant** appointed Ames **provisional governor** of Mississippi; in early 1869, Ames accepted a second appointment as military commander of the Fourth Military



District. In his governing capacity, Ames used federal troops to protect the rights of **African Americans**. He removed numerous Democrats from state offices, replacing them with both white and African American Republicans. Other measures included a reduction of the **poll tax**, the repeal of a special clause allowing disabled Confederate veterans to waive the poll tax, and an executive order allowing African Americans to serve on juries. White Democrats fiercely opposed Ames's policies, as did some native white Republicans who criticized the governor for failing to establish legal residence in the state.

Mississippi completed its reconstruction process in 1870, with Radical Republicans capturing control of the state legislature. Republican legislators proceeded to elect two U.S. senators: **Hiram R. Revels**, the first African American seated in the U.S. Senate, and Adelbert Ames. Ames resigned from the army and left for Washington, where he faced a Senate investigation over the legitimacy of his candidacy. Senators debated whether a military governor with dubious claim to Mississippi citizenship could hold office; they also addressed the problem that Military Commander Ames's signature appeared on his own senatorial credentials. Ultimately, the Senate seated Ames, who during this period had met and fallen in love with Blanche Butler, daughter of Union general and Massachusetts congressman **Benjamin F. Butler**. The two married in July 1870 in Lowell, Massachusetts.

### *Union Soldier Turned Mississippi Politician*

In 1871, the Mississippi legislature elected former Republican governor **James L. Alcorn** to succeed Hiram R. Revels as U.S. senator. A native Mississippian, Alcorn drew political support from Conservative Republicans and some white Democrats. Alcorn and Ames soon clashed over a variety of issues. In the Senate, they publicly debated the extension of the **Enforcement Acts**. Alcorn disclaimed the need for military intervention to break the power of the **Ku Klux Klan**, while Ames, who also supported the integration of the **U.S. Army**, demanded greater federal assistance. In Mississippi, both Alcorn and his ally, Ridgley C. Powers, the current governor, continued to criticize Ames for failing to establish full residence in the state. To answer his critics, Ames purchased a home in Natchez and traveled to Mississippi in 1871 and 1872 to promote the Radical Republicans who supported him; he also voted for the first time in his life in the election of 1872.

In 1873, both Alcorn and Ames sought the Republican nomination for governor. Ames secured the nomination, leading Alcorn to run as an Independent. Both men canvassed the state seeking support, but Radical Republicans carried the election for Ames. Inaugurated in January 1874, the governor promoted compulsory public **education**, cuts in state funding for **railroads**, more equitable codes of taxation, and agricultural diversification. Although Ames publicly criticized the inequities of land ownership and rates of tenancy, he did not endorse land redistribution.

Ames had always been unpopular with most white Mississippians, some of whom increasingly resorted to **violence** to reassert political control from Republicans. Vigilantism became especially rampant during the elections of 1875. In what became known as the Mississippi Plan, whites formed **gun**

**clubs** and used violence to keep Republicans from the polls. In Vicksburg, a full-scale **race riot** ensued, forcing many African Americans to flee the city. Ames appealed to the president for troops and began to organize an African American **militia**, but his efforts failed when election returns revealed that Democrats had captured the state legislature. Ames addressed the new legislature in January 1876, labeling them an illegitimate body elected through fraudulent means. Democrats responded by drafting eleven impeachment charges against the governor. Principal charges alleged that Ames did not truly reside in the state and accused the governor of pardoning accused criminals but did not claim political corruption. Ames adamantly denied the allegations but, upon consultation with his wife, offered to resign his office in return for the dismissal of all charges. Both sides agreed to the compromise, and on March 29, 1876, Ames resigned from his position as governor of Mississippi.

### *Abandoning Mississippi*

The Ames family permanently left Mississippi in 1876. Ames traveled to Northfield, Minnesota, to help run his father's flour-milling business. The family then moved to New York and New Jersey before relocating to Tewksbury, Massachusetts, close to Lowell. In Massachusetts the former politician flourished as a businessman, investing in textile mills and real estate as well as dabbling in minor inventions. The family vacationed in Italy, where Ames purchased a home, as well as **Florida**, California, and several European locales. An avid golfer, Ames spent leisure time with business magnates including John D. Rockefeller.

When the Spanish-American War began in 1898, Ames returned to his military roots by volunteering for the U.S. Army. As brigadier general he participated in the siege of Santiago, Cuba. Ames also spent parts of his later life attempting to dispel accusations that he had dramatically increased the state debt as governor of Mississippi. On April 12, 1933, at the age of 97, he died at his winter home in Ormand, marking the death of the last surviving Civil War general. *See also* Congressional Reconstruction; Pardons; Redemption; Republicans, Radical; Scandals.

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*Kimberly R. Kellison*

## **Amnesty Proclamations**

Several amnesty proclamations were issued during the Civil War and Reconstruction. The first one, **Abraham Lincoln's** Proclamation of Amnesty and Reconstruction, was published on December 8, 1863, and clarified on March 26, 1864. The second, **Andrew Johnson's**, was promulgated on May 29, 1865. Johnson issued a third on September 7, 1867, a fourth, on July 4,

1868, and a fifth on December 25 of that year. Congress also passed several declarations of amnesty, the first as part of the **Confiscation Act** of July 16, 1862, the second, of the **Fourteenth Amendment**, and a third specific Amnesty Act in 1872. Not until 1896 were all restrictions on former Confederate leaders removed.

### *Lincoln and Amnesty*

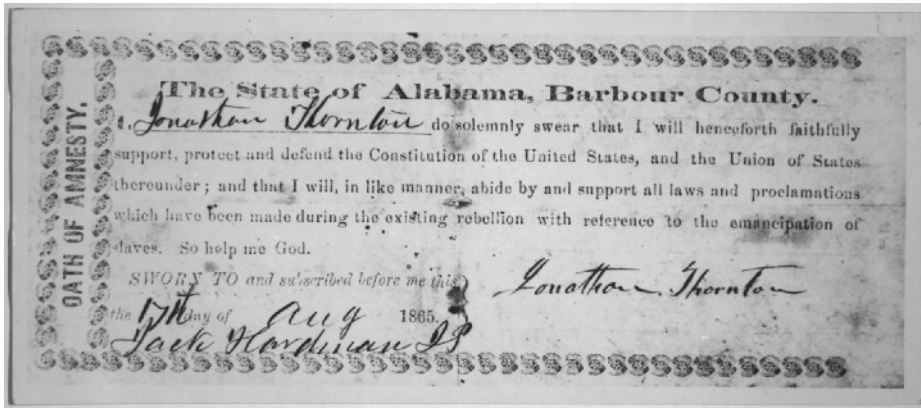
Though Lincoln's and Johnson's proclamations have often been compared, they were very different. Also called the Ten Percent Plan, Lincoln's was a wartime measure, designed to bring about the return to loyalty of as many Confederates as possible. Relying on the presidential pardoning power authorized by the **U.S. Constitution** as well as congressional legislation for the same purpose, he provided for full **pardon** for all persons who had participated in the rebellion,

with restoration of all rights of property, except as to slaves, and in property cases where rights of third parties shall have intervened for all insurgents willing to take an oath of allegiance to support the Constitution, the Union, and all acts of Congress passed during the existing rebellion with reference to slaves, and in property case, so long and so far as not repealed, modified or held void by Congress or by decision of the Supreme Court.

Six exceptions to this amnesty consisted of all who had been civil or diplomatic agents of the Confederacy, all who had left judicial positions in the United States to aid the Confederacy, all Confederate officers above the rank of colonel in the army or lieutenant in the navy, all who left seats in Congress to join the Confederacy, all who resigned commissions in the federal army or navy, and all who had mistreated black soldiers or their officers in U.S. service. As soon as 10 percent of the voters of the seceded states in 1860 had taken the oath, they could reestablish a state government, which would receive the benefits of the constitutional provision declaring that "the United States shall guarantee to every State a republican form of government," and the representatives of which were to be readmitted to Congress subject to the agreement of that body. On March 26, 1864, Lincoln further explained the proclamation by exempting from it all those who were prisoners at the time they took the oath and authorized civil and military officers to register the oath.

Lincoln had long considered an amnesty policy as a solution for the war. When in December 1862, the New York Democrat Fernando Wood wrote him that he had been advised by reliable authorities that southern states would send representatives to the next Congress, provided that a full and general amnesty would permit them to do so, he replied favorably. Although Lincoln believed the information to be groundless, if this meant that the southerners would cease resistance and submit to the national authority, "a full and general amnesty" would not be withheld. By December, he was ready to publish his proclamation.

At first, the proclamation appealed to both Conservatives and Radicals. The conservatives liked it because it suggested keeping state boundaries and state laws not relating to slavery inviolate. The Radicals were pleased because of its insistence upon **emancipation**. To some degree, it showed that Lincoln had



Oath of amnesty for Jonathan Thornton, c. 1938. (Courtesy of the Library of Congress.)

changed his original idea that the rebellion was an individual affair, and that there was a large number of Unionists in the South.

### ***Radical Opposition to Amnesty***

In spite of its original popularity, the proclamation soon ran into opposition, especially among the **Radical Republicans**. As early as December 15, 1863, Henry Winter Davis, the radical **Maryland** representative, moved that so much of the president's message as referred to the duty of the United States to guarantee a republican form of government be referred to a select committee. The 10 percent provision and the alleged failure to provide for complete emancipation came in for particular criticism, and on May 1, the committee reported a bill authorizing the president to appoint **provisional governors** for each of the insurgent states and providing that as soon as 50 percent of the whites had taken a **loyalty oath**, or oath of allegiance, they could elect delegates to a **constitutional convention** to set up a new government. The Senate added a provision to eliminate the word "white," but the House refused to accept it and in July, Congress passed the **Wade-Davis Bill** offering a more stringent plan of Reconstruction to be administered by Congress. It, too, required an oath of 50 percent of the voters of 1860 before a state could be restored, but it admitted only those able to take an ironclad oath to the following elections, and it abolished slavery. Lincoln's pocket veto of the measure led to the Wade-Davis Manifesto, which accused the president of seeking reelection by means of pocket boroughs and admonished him to execute, not to make the laws. His reelection followed, but the amnesty and Reconstruction issue was not settled prior to his **assassination**, although both **Louisiana** and **Arkansas** had reestablished governments under his policy without being recognized by Congress.

### ***Johnson's Amnesty Program***

Because the war was over when **Andrew Johnson** issued his proclamation, he did not need to woo insurgents, and it was necessarily different.

Believing as he did that the states had never left the Union, despite their secession, he was anxious to restore them as quickly as possible. In addition, he wanted to keep the South a “white man’s country.” Thus, the proclamation offered full pardon to all insurgents willing to take an oath of loyalty to support the Constitution and the Union and the wartime proclamations concerning slavery, much in the same manner as his predecessor, but there was no provision for any percentage necessary to reestablish a state. There were fourteen exemptions, including all those who were covered by the previous proclamation, as well as all Confederate governors, all who left the United States to help the Confederacy abroad, all who engaged in the destruction of U.S. commerce on the high seas or from Canada, all who violated their oath of amnesty in accordance with the proclamation of December 8, 1863, and all those whose property was worth more than \$20,000, as Johnson considered the conflict to have been “a rich man’s war and a poor man’s fight.” Special application for pardon, however, might be made by any of the exempted persons. This proclamation was joined with one appointing a provisional governor for **North Carolina** (and later for other states) whose duty it was to convene conventions to reestablish the commonwealths. Further proclamations of September 7, 1865, July 4, 1868, and December 25, 1868, diminished the list of exemptions and finally ended them altogether, although this proclamation was ineffectual because of the provisions of the **Fourteenth Amendment**.

As Congress was not in session at the time of Johnson’s original proclamation, its provisions were speedily carried out, so that by December, all southern states except **Texas** had completed the Johnson process of Reconstruction. The president had freely granted pardons to the exempt classes, so that any number of leading former confederates, including Vice President **Alexander H. Stephens**, were elected to prominent positions, including membership in Congress. Moreover, the Johnson legislatures passed stringent **Black Codes**, virtually remanding the blacks to a status similar to slavery.

### *Coming of Congressional Reconstruction*

That the congressional Republicans would not agree with this policy was not surprising. Not only the Radicals, unhappy with the president’s failure to protect the freed persons, but also **Moderate Republicans** could hardly sanction measures as conservative as these. Not only did Johnson’s plan seem to undo most of the gains of the Civil War, but the dominance of the Republican Party itself appeared to be in danger. Should the southerners, now almost all members of the **Democratic Party** or conservatives, be admitted to Congress, they could combine with their northern confreres and seize control of the government. Consequently, Congress appointed a **Joint Committee on Reconstruction** to which all questions pertaining to the Southern states were to be referred and refused to admit any of the southern representatives and senators-elect. Nevertheless, hoping still to make common cause with the president, the Moderates sought to win him over, but he remained adamant and vetoed the **Freedmen’s Bureau Bill** and **Civil Rights Bill**. Thereupon, Congress enacted the Fourteenth Amendment, which **disfranchised** and disbarred from office all former officers of the United States who had joined

the Confederacy but provided for a possible amnesty for them by a vote of two-thirds of both houses.

Congress, too, made provisions for amnesty. The Second **Confiscation Act** of July 2, 1862, provided that the president was authorized to extend pardons to the insurgents, and it exercised the pardon specified in the Fourteenth Amendment in a special Amnesty Act of May 22, 1872, which left only members of the 36th and 37th Congress, military, naval, and judicial officers, as well as heads of departments and foreign ministers of the Confederacy, still barred from office holding. During the next decades, individual pardons were extended to most of these, until Congress finally repealed the restrictions altogether in 1896.

Considering the overall effect of the amnesty policy after the Civil War, it is evident that federal treatment of former adversaries was comparatively mild. The only persons executed were the commandant of Andersonville prison and those implicated in the assassination of Abraham Lincoln; even **Jefferson Davis**, the Confederate president, was allowed to resume his writing after a short prison term. In comparison with the punishments meted out by other countries after victory in civil wars, the United States comes off very well indeed. *See also* Congressional Reconstruction; Presidential Reconstruction; Readmission; Republicans, Radical.

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*Hans L. Trefousse*

## Annual Messages of the President

The presidential annual message in the nineteenth century was the forerunner of today's State of the Union address. Both carry out the instructions in Article II, Section 3 of the **U.S. Constitution** that the president "shall from time to time give to the Congress Information of the State of the Union." In the nineteenth century, the annual message was not a speech but a lengthy written document, read by a clerk to the members of Congress in early December, just after Congress assembled for its session.

A substantial part of each message consisted of material from the annual reports of the various government departments, including information on military activities, the postal department, Indian affairs, foreign treaties and disputes, the financial condition of the country, and similar matters. Each president also discussed various situations that particularly concerned him and suggested solutions to problems. At some point, each of the four Reconstruction presidents also discussed issues relating to the aftermath of the Civil War.

In his first two annual messages, **Abraham Lincoln** mentioned several items related to the return of peace. However, his third annual message was

sent to Congress on December 8, 1863, the date on which he issued his “Proclamation of **Amnesty** and Reconstruction,” (also known as the “Ten Percent Plan”). He discussed the proclamation at some length, particularly his reasons for issuing the proclamation and the timing of its release. Lincoln wanted southerners to understand that he would not retract the **Emancipation** Proclamation and wanted to have a plan in place for any states that were ready to begin the reconstruction process. The following year, in his fourth annual message, Lincoln reported that some people had taken advantage of the amnesty plan and urged others to do so before something with more stringent requirements went into effect (such as the proposed **Wade-Davis Bill**).

With the end of the Civil War, President **Andrew Johnson** found Reconstruction to be not just a theoretical matter, but a problem that was critical and controversial. In his first message (1865), Johnson explained how his perspective on the perpetual nature of the Union and his desire to re-incorporate the South as rapidly as possible, led him to avoid treating the South as a conquered territory. Instead, he took the steps of reconstructing the states by appointing **provisional governors**, having the states elect **constitutional conventions** and new officeholders, and restoring government services such as courts, customs houses, and post offices. In 1866, Johnson reported that civil governments had been restored in all of the former Confederate states. However, he lamented that Congress refused to seat the senators and representatives elected from any of those states except **Tennessee**, thus depriving the states of their constitutional right to representation.

The following year, Johnson complained that “there is no Union as our fathers understood the term” because all the states still were not represented in both houses of Congress. He saw an important tie between obedience to the Constitution and preservation of the Union. He believed that the **Military Reconstruction Acts** passed by Congress conflicted with prohibitions in the Constitution and should be repealed. In addition, **Congressional Reconstruction** provisions were expensive and would lead to heavy taxation. Johnson opposed **black suffrage** and the **Tenure of Office Act**. The latter act prevented him from carrying out some of his executive duties, Johnson stated, because he could not remove, or even threaten to remove, corrupt Treasury Department officials.

By the time of Johnson’s final annual message in 1868, he had survived **impeachment** and failed to be nominated for another term as president. He saw no reason to be polite to Congress and, in fact, criticized them roundly for creating great trouble by passing the Reconstruction acts, which “have substantially failed and proved pernicious in their results.” States were prevented from being governed by their constitutionally elected officials, and Johnson believed the national situation was actually worse than when Congressional Reconstruction began.

**Ulysses S. Grant**, president from 1869 to 1877, prepared eight annual messages, mentioning Reconstruction issues in the first through fourth and the sixth messages. In 1869, Grant indicated that seven former Confederate states had been properly reconstructed, and three others were in the process of electing their officials. **Georgia** had gone through all the proper procedures, but then had unseated its black legislators and replaced them with men

disqualified by the **Fourteenth Amendment**. Grant recommended measures to restore properly qualified legislators to office.

The following year, Grant mentioned that certain former Confederate states had experienced **violence** and intimidation during elections, and Georgia still had no representatives in Congress. In 1871, Grant suggested that the provisions of the Fourteenth Amendment, which disqualified certain former Confederates from holding office but not from voting, could be repealed. In 1871 and 1872, Congress passed a series of **Enforcement Acts** to enforce the provisions of the Fourteenth Amendment. In his annual message of 1872, Grant deplored the actions which made it necessary to pass such acts, but affirmed his commitment to enforce them, while urging the populace to behave with good order rather than violence. Grant's sixth annual message in 1874 dealt with Reconstruction matters most extensively. Because of considerable politically motivated violence in the southern states, Grant had been called upon to send troops to protect both governments and citizens. This had been true particularly in **Louisiana** and **Arkansas**. Grant reiterated his commitment to enforcing the provisions of the **Fourteenth** and **Fifteenth Amendments**, particularly protecting the freedmen in their right to vote, while deploring the need to take special measures to do so.

**Rutherford B. Hayes**, who succeeded Grant, explained in his first annual message (1877) why he had taken certain actions to promote the restoration of peace in the southern states, particularly by removing **U.S. Army** forces stationed there. Hayes believed that these actions had produced good results. Hayes also emphasized the need to be sure that the freedmen were not restricted in their **civil rights**. In his second annual message, the last one in which he mentioned Reconstruction issues, Hayes deplored the violence and intimidation against black voters in Louisiana, **South Carolina**, and, to a lesser extent, other states during the 1878 congressional elections. He insisted that the authorities must punish the perpetrators of these offenses and seek to prevent them in the future.

Taken together, these four presidents' annual messages—Lincoln, Johnson, Grant, and Hayes—provide a useful window into events relating to Reconstruction, the executives' perceptions of the process, and their opinions on causes, possible actions, and potential solutions. *See also* African Americans; Amnesty Proclamations; Compromise of 1877; Presidential Reconstruction; Readmission; Scandals.

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*Glenna R. Schroeder-Lein*

## Arkansas

At the end of the Civil War—in which more than 5,000 Arkansans died, 110,000 slaves gained their freedom, and more than \$30,000,000 worth of



property was destroyed—the state faced staggering political, economic, and social challenges. State officials had to renegotiate **readmission** into the Union with the federal government. Planters clashed with newly empowered politicians, many from the North and now including **African Americans**, to see who regained political mastery. Economically, planters wondered how to regain their labor supply, while others sought to diversify the Arkansas economy by making it less dependent on cotton. Socially, whites and blacks and men and women reconstructed new identities that reflected the **emancipation** of former slaves and Confederate defeat. As Reconstruction ended in 1877, it could be argued that not much had changed; but no one knew that when Reconstruction began in 1863.

### *Political Reconstruction*

By the end of 1863, the Union army controlled almost all of the strategically important points in Arkansas. President **Abraham Lincoln** recommended leniency for readmission to the Union with his Ten Percent Plan. Excluding high-ranking civil and military Confederate officers, the proposal created a new state government when 10 percent of those who voted in 1860 swore allegiance to the Union and agreed to abolish slavery. By January 1864, 10 percent had met the requirements; so delegates met in Little Rock to draft a new constitution. Similar to the former 1836 constitution with the exception of the mandatory **abolition of slavery**, a small percentage (12 percent) of eligible voters approved the new constitution and elected Isaac Murphy, an opponent of secession in 1860 and 1861, as the new governor. The newly elected legislature chose Elisha Baxter and William Fishback as U.S. senators. Although Lincoln accepted the new regime as legitimate, **Radical Republicans** in Congress refused to recognize the two senators.

President Lincoln's **assassination** on April 14, 1865, forever changed Reconstruction in Arkansas and throughout the South. Replaced by the far less able **Andrew Johnson**, many Confederate Arkansans felt that the prerequisites for reentry into the Union would be much less harsh. The legislature in April 1865 approved the **Thirteenth Amendment**, but did little else. Hoping to disfranchise many returning Confederate veterans, the legislature imposed a second **loyalty oath** that required voters to prove their loyalty to the new government since its inception in March 1864. Believing they could maintain political power, the Murphy government called for congressional elections in October 1865. Although voters elected Unionist congressmen, only 7,000 Arkansans participated. Anti-Murphyites, calling themselves Conservatives, made an impressive showing. Congressional refusal to seat the new delegation and the state Supreme Court voiding the second loyalty oath also troubled Unionists.

Many Conservatives gained seats in the new state legislature elected in August 1866. Meeting in November, they tested the perimeters of Presidential Reconstruction by refusing to allow blacks to vote, run for office, serve on juries, marry whites, or receive state funds for schools. Although not as harsh as **Black Codes**, the legislature ensured that newly freed slaves gained no political, economic, or social power. They also, along with all southern states except **Tennessee**, rejected the **Fourteenth Amendment**.

Conservative dreams of restoring the antebellum world evaporated in 1866, as Radical Republicans gained control of Congress. They attacked President Johnson's leniency in granting **pardons** to nearly all Confederate officers and they lambasted his laissez-faire policy toward Black Codes and race riots in **Memphis** and New Orleans. With Johnson embroiled in an **impeachment** controversy with Congress, Radicals in Congress decided to redirect Reconstruction. Insisting that the white South attempted to return blacks to slavery, Radicals in Congress passed three Reconstruction acts from May to July 1867 that put Arkansas in the Fourth Military District to be supervised by army personnel, required states to ratify the Fourteenth Amendment, and mandated universal male **suffrage** in new state constitutions.

E.O.C. Ord, commander of the Fourth Military District that included Arkansas and **Mississippi**, disbanded the state legislature and restricted state courts. Supported by Governor Murphy, Ord called for a November 1867 referendum to decide whether Arkansas approved a new **constitutional convention**. Having broad powers to disfranchise voters under the Fourteenth Amendment or any voter considered disloyal, Ord and Arkansas Unionists encouraged more than 21,000 African American men to register. In the November 1867 elections, 27,576 Arkansans favored a constitutional convention, while 13,558 opposed it.

The constitutional convention convened on January 7, 1868, in Little Rock. Seventy-five delegates, including eight African Americans, debated voting qualifications, interracial marriages, equality before the law, educational reform, and gubernatorial powers. By a vote of 46 to 20 on February 1, 1868, the convention passed the new constitution that afforded male suffrage to all men over 21 years of age regardless of race; opposed interracial marriages; allowed blacks to serve in government offices, on juries, and in the **militia**; ordered the legislature to fund school systems for students regardless of race; established a state university; and created a strong executive elected to a four-year term. Democrats loathed this new constitution and intimidated black and white Unionists from voter registration. The **Ku Klux Klan**, a paramilitary organization appearing in Arkansas in late 1867 to deter black registration and voting, whipped, shot, and killed political enemies and often burned their homes and churches. Withstanding **violence** and intimidation, voters ratified the new constitution in April 1868, chose **Powell Clayton** as the new governor, and elected Republicans to Congress and state offices. When the newly elected radical legislature ratified the Fourteenth Amendment, Congress officially readmitted Arkansas to the Union on June 22, 1868.

Inaugurated on July 2, 1868, Republican governor Powell Clayton, a Union cavalry officer from Pennsylvania who fought in Arkansas during the Civil War, intended to restore law and order to Arkansas. Facing the violence spurred by the Ku Klux Klan, by white militias in much of the state, and by renegade bands of reconstructed veterans and sociopathic hooligans such as Cullen Montgomery Baker in southwestern Arkansas, Clayton tried to reconcile the disparate factions throughout the presidential campaign in Arkansas in 1868. Violence escalated as more than 200 blacks and Unionists were murdered on the eve of the election. Preparing to end the anarchy, Clayton purchased guns and ammunition from Detroit that the Klan captured and destroyed. In the Presidential election, **Ulysses Grant** received 22,112 Arkansas votes to 19,079

votes for Democratic contender **Horatio Seymour**. Arkansans also elected a Republican congressional delegation.

On November 4, 1868, the day after the presidential election, Clayton imposed martial law and quartered Arkansas into four military districts. He used Union troops and black Arkansas militiamen to restore order. Although both pro-Unionists and anti-Unionist forces committed atrocities against civilians living in southwestern and eastern Arkansas, by early 1869, the Klan had been suppressed and desperadoes such as Baker had been killed.

In April 1869, a group of Republican insurgents, calling themselves “liberals” and led by Lieutenant Governor James Johnson, opposed Clayton. They accused him of abuse of power during martial law, mismanagement, and corruption. Although Clayton expertly defused the situation, he recognized that his power base drastically diminished with the enfranchisement of former Confederates in 1872. In January 1871, the state legislature selected him to the U.S. Senate, but he refused to surrender the governorship to Lieutenant Governor Johnson. A stalemate ensued between the two factions as the House impeached Governor Clayton. Absentee pro-Clayton senators denied a quorum for the trial. Inexplicably, Johnson resigned to become secretary of state, a blunder that allowed Ozra Hadley, president of the Senate and a Clayton ally, to become the new governor. Clayton entered the U.S. Senate in March 1871.

Republican Joseph Brooks, an Iowa Methodist minister, replaced Johnson as the leader of the anti-Clayton insurgents. Supported by blacks and by white Democrats and Conservatives who applauded his integrity and his opposition to Clayton, he opposed Elisha Baxter, a North Carolinian who had served on the state Supreme Court and as a federal district court judge. Marred by electoral fraud, Baxter received 41,681 votes to 38,415 votes for Brooks. Supporters of Brooks insisted the election was a sham and began their judicial redress. Inaugurated on January 6, 1873, Baxter appointed liberals and insurgents to state office to broaden his power base. On April 15, 1874, a Pulaski County circuit judge overturned the election and certified Brooks the winner. Sworn in by Chief Justice John McClure, Brooks and a score of armed men marched to the statehouse and forced Baxter out of the governor’s office. Each faction quickly assembled a militia that congregated in Little Rock. Fearing imminent bloodshed, President Grant ordered Brooks’s forces to disband, reinstated Baxter as governor, and selected Brooks as postmaster of Little Rock.

In June 1874, voters approved the calling of a new constitutional convention by a margin of 80,259 to 8,547. Conservative Democrats won over 75 percent of the convention seats and met in Little Rock from July until September 1874. The new constitution curtailed the executive’s power and limited the state’s taxation power. Arkansans ratified the new constitution on October 13, 1874. Conservatives also gained control of the state legislature and elected Augustus H. Garland as governor. The election ended political Reconstruction in Arkansas.

### ***Economic Reconstruction***

As in all the rebellious southern states, the Civil War destroyed much of the Arkansas economic infrastructure. Farm animals had been stolen or killed;

fences, roads, and bridges lay in disrepair; and unpaid taxes levied during the war years made landownership uncertain. Equally tentative was the labor status of Arkansas' 110,000 freedpeople, freed incrementally from 1863 to 1865 as the Union army secured the area. Rumors of "forty acres and a mule" and Confederate fears that the federal government would confiscate their property made 1865 an uncertain year for all.

Those who had stayed at home during the war planted the 1865 cotton crop as veterans returned throughout the spring. Back taxes often had to be paid before the former owner secured the land title, but creditors supplied the necessary means for this. Large-scale planters especially worried about where to find laborers for their cotton crop. Local **Freedmen's Bureau** agents arrived in twenty-four Arkansas locations throughout 1865 and immediately surveyed the labor supply. Promoting the free labor ideology many brought with them from the North, agents met individually with planters and freedpersons to arbitrate **contracts**. They received no preset guidelines from national headquarters on the type of contract most beneficial to freedpersons, hence they approved various arrangements. Some contracts reinstated slavery by providing only food, clothing, and medical aid; but most contracts provided for either monthly wages or a share of the crop. Monthly wages for males ranged from \$5 to \$60 per month, while females received from \$5 to \$40 per month. Men earned an average of \$17.25 per month, while females received an average \$12 per month. Shares of the finished crop varied contractually, ranging from one-eighth to three-quarters of the crop going to the laborer. Although neither the price nor the amount baled equaled prewar quantities, cotton seemed to both blacks and whites their best bet to gain economic security. Throughout 1865, black parents complained to the local Freedmen's Bureau agency that local judges declared their children "orphans" and gave "apprenticeships" to planters where they were bound to work until their twenty-first birthday; receiving only food, medical supplies, clothing, and housing.

Eighteen sixty-six seemed a promising year as the cottonseed was planted in March. Factors predicted prices would approach 40 cents a pound. Freedmen's Bureau agents moved to seven new posts (thirty-one total in 1866) and supervised contracts. Agreements became more streamlined in 1866 and established the system of **sharecropping** as landowners and laborers each received half of the crop at harvest. Bankers extended credit to both landowners and tenants, as all expected great profits from the 1866 crop, but heavy spring flooding and a subsequent summer drought caused less than half of the cotton crop to be baled in October. This economic catastrophe hit freedpeople and small-scale white farmers especially hard.

Creditors continued to offer loans to planters and yeomen, still believing the cotton crop would yield lucrative profits, but nature once again intervened with an unusually cool spring that retarded plant growth, followed by torrential downpours throughout the summer that flooded low-lying fields. The price of cotton plummeted to 17 cents a pound in October 1867. The fall harvest produced less than two-thirds of the crop anticipated in the spring.

Increasingly mired in debt, large-scale planters borrowed large sums of money in 1868 from northern capitalists. With each year, farmers sank deeper

in debt, becoming more dependent on cotton. By 1874, the price of cotton had fallen to 11 cents per pound. Both whites and blacks plunged into a perennial debt that lasted, with few exceptions, until World War II.

Beginning in 1867, Radical Reconstruction created new economic opportunities for blacks and whites. Leaders such as scalawag Edward Gantt and **carpetbagger** governor Powell Clayton hoped to induce industries to the region by building state-funded **railroads** to lure textile mills, but the low-lying terrain of much of the state made laying track difficult. Railroad bonds depreciated to 40 percent of their face value by 1871. During Reconstruction, workers laid more than 600 miles of track. Radicals also hoped to lure immigrants to Arkansas by offering 160-acre farms to anyone who paid a nominal filing fee. Although more than 30,000 immigrants moved into Arkansas during Reconstruction, most stayed for only a brief time and soon moved to **Texas**.

In 1866, President Johnson signed the **Southern Homestead Act**, which opened up 46,000,000 acres of land in **Alabama, Florida, Louisiana, Mississippi**, and Arkansas. Blacks inundated Freedmen's Bureau offices with requests for information about the land deals in Arkansas. Dr. W. W. Granger, Freedmen's Bureau surveyor, discovered that three-quarters of the nine million acres open in Arkansas could not be farmed, yet he still exhorted blacks to purchase land whenever they could. Of the 16,395 claims made in Arkansas under the Southern Homestead Act, only 44 percent (10,807) were completed. African Americans in Arkansas entered approximately 1,000 of these original claims, with 25 percent completing their entries. By the end of Reconstruction, more African Americans had moved to Arkansas than to any other southern state.

To enact the Radical agenda of better schools, roads, and hospitals, the state legislature raised property taxes and ordered a reassessment of real estate values. Although historians debate whether these higher tax rates were exorbitant, they were unprecedented for Arkansas at a time when many eked out a mere subsistence and provided political fuel for conservatives who promised lower taxes during campaigns.

By the end of Radical Reconstruction in 1875, Arkansas stayed yoked to the erratic ups and downs of the cotton market. Vibrant urban areas and industrial smokestacks remained rarities. In many areas, prewar planters regained political and economic hegemony. To the degree that freedom hinged on economic success and opportunities, most Arkansas blacks and whites remained slaves to poverty and debt.

### ***Social Reconstruction***

Nearly all antebellum structures and institutions were contested after the bloody Civil War had unmoored previous understandings of self, family, race, gender, class, education, and religion. Arkansas' 110,000 former slaves created and re-created new identities as they asserted their freedom and independence. For many, registration at the local Freedmen's Bureau office allowed them to publicly and legally proclaim their new names. They constantly sought lost family members. Freedmen's Bureau agents often served as contacts

for blacks who searched for lost spouses, children, parents, and grandparents. Black parents protected their children from apprenticeships and from harsh working conditions. Hoping to instill monogamy, Freedmen's Bureau agents solemnized black marriages in mass wedding ceremonies conducted by religious leaders. Black husbands and wives and Freedmen's Bureau officers continually upheld the sanctity of marriage and repeatedly protected black women from the sexual abuse endured during the antebellum era.

Reconstruction empowered many white and black women to assert themselves into new areas unavailable to them before the Civil War. White women who had managed farms and plantations while their absent husbands fought demanded new respect from their husbands and asserted themselves into myriad economic decisions. Black women pushed their husbands to become politically active and often played major roles in deciding where to live and when to move. Both black men and women demanded that black women be given more time away from the cotton fields to spend in household work. A typical contract mediated by a Freedmen's Bureau agent stipulated that the black wife would "do all the housework such as cooking, working, and scouring, after which she is to make a hand in the field."

Whites also reconstructed their new identities and quickly tried to reinstitute white supremacy. Confederate defeat contorted many white men and women's spirits. Debt and poverty constantly reminded many of their defeat; they regained some sense of worth by restoring their racial dominance. Race and skin color consciousness became critical, but prewar miscegenation made demarcation between whites and blacks problematical. An Arkansas Freedmen's Bureau agent, for example, recorded race by using the shades of black, dark, brown, light, white, medium, and yellow. The 1868 state constitutional convention seriously debated miscegenation, and delegates recommended that the legislature oppose any "amalgamation of the races."

Whites attempted to restore white supremacy by reinstating prewar racial mores. Titles of address, sidewalk etiquette, and clothing worn became contested areas between whites and blacks as each tried to assert dominance or equality. Repeated altercations between whites and blacks occurred over who yielded the sidewalk, who tipped their hat as a sign of deference, or who was called "mister" or "missus."

Freedpersons quickly recognized that **education** would help them realize their dreams of freedom. One Freedmen's Bureau agent observed the desire for schools by blacks amounted "almost to a passion." Blacks demanded schools so they could appraise their contracts for themselves, calculate their debt or profits at harvest time, vote intelligently, and move up in the social hierarchy. At one plantation, for example, blacks spent their lunch break in school. Although more than one-third of the funding for black schools in 1868 came from blacks, the Freedmen's Bureau and northern benevolent agencies such as the **American Missionary Association** aided them. Surprisingly, many of the local white elite such as planters, clergymen, sheriffs, judges, and newspaper editors encouraged educational improvement. More than sixty teachers (about five-sixths of them black) labored in Arkansas in 1868-1869. Although the desire for schools was great, the problems faced were enormous. Money for school buildings and for teachers was always needed. The cotton

crop—which had to be planted, chopped, and picked—impeded schoolwork. Many whites, abhorring the idea of a school for blacks, intimidated teachers, parents, and students with violence and arson. In the end, approximately 40,000 blacks gained literacy and basic math skills to help them live as freedpeople.

Freedpersons also pursued new identities in **churches** they established. Baptist and Methodist congregations attracted most black Arkansans. Preachers emphasized morality, “uplifting of the race,” education, political activism, and community formation. In many black communities, the preacher became the conduit between blacks and the white elite.

### **Conclusion**

As Reconstruction ended, much in Arkansas returned to prewar patterns: planter hegemony, dependency on cotton, white supremacy, male dominance, and poverty for the masses of whites and blacks. However, many fundamental changes had occurred. No longer could whites whip or rape blacks. Black families could no longer be torn apart and became significant psychological and economic resources for freedpeople. Schools and churches for blacks now appeared frequently throughout Arkansas. Although it was not—as blacks had dreamed—the Day of Jubilee, it was a beginning of freedom and an end to slavery. *See also* Assassination of Abraham Lincoln; Bureau of Refugees, Freedmen, and Abandoned Lands.

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*Randy Finley*

**Army.** *See* U.S. Army and Reconstruction.

### **Ashley, James M. (1824–1896)**

James Ashley was born in Pittsburgh, Pennsylvania, on November 14, 1824. During his early twenties, Ashley worked as a boat clerk for ships sailing the Ohio and Mississippi Rivers. Law was a passion of Ashley’s, and he was admitted to the bar in 1849. Ashley moved to Toledo, Ohio, where the Republican Party elected him into the 36th Congress on March 4, 1859. A vocal **abolitionist**, Ashley became a guiding force in the Republican camp. He played a significant part in the passing of the **Thirteenth Amendment** of the **U.S. Constitution** in 1865. A major feature of Ashley’s political career was

his opposition to **Andrew Johnson's** presidency, which he countered with his Radical Reconstruction agenda.

### *Ashley's Ideal American Nation and Reconstruction Agenda*

The ideal American nation that Ashley proposed was one based on absolute racial equality. Ashley advocated that **African Americans** share access to the same educational system with white children because both races would inherently benefit from the others' experiences (see **Education**). When J. W. Chandler asked Ashley whether or not he would support a state composed entirely of African Americans, Ashley responded that any state, regardless of racial makeup, would be granted **suffrage** and protected by the U.S. federal government. Furthermore, Ashley's Reconstruction agenda ensured the complete amnesty of all members of any former Confederate state without taking skin color into consideration.

Andrew Johnson's Reconstruction program ignored the notion of territorialization. There was also no stipulation assuring blacks access to public schools. According to Ashley, the term "Radical Reconstruction" was an obsolete one that simply maintained antebellum race rights. The sole variant between Johnson's perception of antebellum and postbellum America was that African Americans would no longer be enslaved. Once Ohio ratified the **Fourteenth Amendment**, the state government fought to eliminate the word "white" from its constitution. Ashley argued in favor of the proposal since the original statement claimed that black Americans had no constitutional rights in postslavery United States.

To Ashley, **Congressional Reconstruction** was severely flawed. First, according to Ashley, his Republican colleagues were wrong when they argued that the **Military Reconstruction Act** guaranteed that newly emancipated slaves were to have all the necessary rights to lead productive and economically independent lives. What made black independence impossible was that African Americans still had no power rooted in landownership. Black Americans therefore remained dependent on either renting land owned by whites or working for their former masters. Both scenarios connoted a restoration of antebellum **labor system** and labor code founded on white racial superiority.

### *Ashley's Political Motives*

To create a more equal society, James Ashley openly sought the **impeachment** of President Andrew Johnson, on the grounds that Johnson abused his presidential powers by refusing to provide black Americans with decent **civil rights** and political access—what Ashley called a bill of rights. When more moderate Republicans were lukewarm on impeachment, arguing that no actual crime had been committed, Ashley claimed that narrow constraints for impeachment guaranteed that the president could never be forced from office. To Ashley, abuse of power, violation of public trust, and neglect of duty should constitute the right of Congress to overthrow the president. James Ashley considered Johnson's reluctance to give African Americans absolute inalienable rights an "undetectable crime" that defined a presidential



abuse of power, violation of public trust, and neglect of duty. The latter assertion claimed that Johnson purposely violated the Fourteenth Amendment of the U.S. Constitution. Ashley alleged that maintaining Johnson's strict, racist view of the Constitution would inevitably impede America's development. Creating racial equality was one measure that Ashley considered primordial for the United States to secure a strong economic future. Only once equal social and labor rights were established could African Americans fully participate in the booming American market economy and pay tax dollars to provide every U.S. citizen with greater social benefits.

### ***Ashley's Contributions***

Ashley's contributions to American history were significant because they ensured that African Americans would always have a political voice in U.S. politics. Many black Americans, especially those residing in **Kentucky**, vowed to vote in block fashion for the political party that promised them the right to vote. Block fashion voting meant that blacks in a particular region would vote for the political candidate that provided them with the ballot. Republican members like Ashley forecasted the affect that black political participation would later have on American elections and therefore maintained that blacks be given the vote. Another contribution that Ashley made to American history was his relentless struggle to oppose what he believed was tyrannical leadership. The United States, in Ashley's estimation, was a nation founded on the belief that every citizen must have equal representation and power. Allowing a president or a member of Congress to devise racially restrictive laws implied a contradiction to Thomas Jefferson's statement that all Americans are allowed to life, liberty, and the pursuit of happiness. Giving African Americans the right to vote provided the United States with a novel political perspective that helped the nation better adapt to the national policies of the rest of the world because America would no longer be known as the only nation left that practiced slavery. Instead, the equal racial representation that figures like James M. Ashley fought for throughout their entire careers proved that America was capable of following an emerging political trend. African Americans could then practice American lifestyle and have the chance to prosper economically on an even arena with whites. Irresponsible American politicians who followed Ashley's tenure purposely acted to make certain that blacks did not receive proper civil rights protection until the second half of the twentieth century. *See also* Amnesty Proclamations; Black Suffrage; Disfranchisement; Field Order No. 15; Joint Committee on Reconstruction; Presidential Reconstruction; Stevens, Thaddeus.

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*Gerardo Del Guercio*

## Assassination of Abraham Lincoln (1865)

John Wilkes Booth shot President **Abraham Lincoln** on Good Friday, April 14, 1865. Vice President **Andrew Johnson** and Secretary of State **William H. Seward** were supposed to be assassinated at the same time; Seward was severely wounded, but Booth's accomplice who was to kill Johnson, George A. Atzerodt, lost his nerve. The death of Lincoln and the survival of Johnson affected Reconstruction in profound ways.

The conspirators' original plot involved kidnapping Lincoln and taking him south to be held for a ransom advantageous to the Confederacy. The conspirators included Booth, an actor; Atzerodt, a carriage painter and ferryman; John H. Surratt, Jr., a Confederate courier; David E. Herold, a pharmacist's clerk; Lewis Paine (or Payne, who also used the alias Lewis Thornton Powell) and Samuel Arnold, former Confederate soldiers; and Michael O'Laughlin, a feed-store clerk. The group met at the Washington, D.C., boardinghouse of **Mary Surratt**, John's mother. When the kidnapping attempt failed, Arnold, O'Laughlin, and probably John Surratt left the group.

After the fall of Richmond and the surrender of Robert E. Lee's army, the kidnap plot was no longer viable. Booth's decision to assassinate Lincoln was evidently a last-minute development, possibly even determined as late as the morning of the fourteenth when Booth learned that Lincoln would be attending the play *Our American Cousin* at Ford's Theatre that evening. Thanks to a few advance preparations and his reputation within the acting profession, Booth was able to enter the presidential box during the performance. He shot Lincoln in the head and jumped over the railing onto the stage, shouting "Sic semper tyrannis" ("thus ever to tyrants," the motto of **Virginia**). He made his way to a waiting horse, despite a broken leg caused by catching his spur in a flag draped near the president's box. President Lincoln, mortally wounded, was taken across the street to the Peterson house, where he died at 7:22 the following morning.

Booth fled Washington and joined up with David Herold, but they stopped near Bryantown, **Maryland**, where Dr. Samuel A. Mudd set Booth's broken bone; it is possible that the two were previously acquainted. The War Department conducted a massive manhunt for Booth and Herold, which ended on April 26, when they were cornered in a Virginia tobacco barn. Herold surrendered, but Booth was shot and died shortly after.

Agents of the federal government rounded up hundreds of assassination conspiracy suspects, but finally focused on eight: Herold, Atzerodt, Paine (who had seriously wounded Secretary of State Seward), Mary Surratt, Mudd, Arnold, O'Laughlin, and Edman (or Edward) Spangler, a Ford's Theatre handyman and friend of Booth who was in the wrong place at the wrong time (John Surratt had fled the country). These eight were tried before a military commission May 9–June 30, 1865, and this controversial process found all eight guilty. Herold, Atzerodt, Paine, and Mary Surratt were hanged on July 7, while the other four were sentenced to life imprisonment at Fort Jefferson in the Dry Tortugas, off the coast of **Florida**. O'Laughlin died in 1867 during a yellow fever epidemic, and Johnson ordered the others freed in early 1869.

A broadside advertising a reward for the capture of the Lincoln assassination conspirators, illustrated with photographic prints of John H. Surratt, John Wilkes Booth, and David E. Herold. (Courtesy of the Library of Congress.)

John Surratt was arrested in Egypt, extradited to the United States, and tried in 1867. The jury could not agree on a finding, and so he too was freed.

Lincoln's assassination affected Reconstruction in several ways. It immediately caused a tremendous cry for vengeance against the South in general and against the conspirators in particular, resulting in a trial of questionable fairness. The hanging of Mary Surratt was especially controversial, partly because she was a woman, and partly because she had not participated in the plot in any significant way; evidence implicating her was circumstantial at best. Her death haunted Andrew Johnson politically, because as president he had approved the sentence and not granted her a reprieve. It also led to a war of words between Johnson and Judge Advocate General Joseph Holt, who had prosecuted the conspirators. Also, Johnson's ascendancy to the position of executive brought a president far more rigid in his beliefs and opinions than Lincoln had been. In addition, and despite early indications, Johnson approached the South leniently; with the exception of Unionism, his principles were in line with the **Democratic Party**, not the Republican Party, and so he had no interest or sympathy for the freedpeople. These factors combined to have significant effects on the course and results of Reconstruction. While no one knows what would have followed the Civil War had Lincoln lived, in all probability Lincoln would have dealt with southern—and northern—opposition more flexibly, and would have shown greater concern for the plight of former slaves. *See also* Democratic Party; Johnson, Andrew; Lincoln, Abraham; Republicans, Radical; Seward, William H.; Surratt, Mary (Elizabeth) Eugenia.

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Glenna R. Schroeder-Lein

### Atkinson, Edward (1827–1905)

A New England cotton manufacturer and unofficial adviser to several presidential administrations during the late nineteenth century, Edward Atkinson was best known as a frequent commentator on the great socioeconomic questions of his day—what might today be termed a pundit. Born to an old merchant family of Boston, by the 1850s, Atkinson had become the manager of several regional textile mills. An **abolitionist** and a supporter of the Republican Party upon its founding in 1854, the young Atkinson began to publicly advocate reforms that struck an angry chord among many of his fellow manufacturers. His ardent free-trade principles, for example, made him hostile to the tariffs that many northerners saw as providing vital support to nascent American industries. After the war, his antitariff efforts in Washington, D.C., brought him into conflict with the powerful protectionist lobby that centered around Pennsylvania iron and steel interests, their congressional representatives, and their famous spokesman, the economist Henry C. Carey.

For a textile manufacturer, just as exceptional as his free trade principles were the opinions Atkinson first expressed in his widely circulated 1861 pamphlet, *Cheap Cotton by Free Labor*, which garnered international attention. In it, he argued—contrary to conventional wisdom—that the mercantile and manufacturing classes of the North had nothing to fear from slave **emancipation** in the South; Atkinson maintained that a regime constituted of free laborers could grow the staple more plentifully and efficiently. Though the **sharecropping** system that soon dominated the South after emancipation did not provide the region's farmers with the general prosperity he hoped for, Atkinson did correctly forecast the postwar demise of the gang-based plantation system in favor of thousands of individuated small farms—composed of both black and white households—whose collective production of cotton would exceed that of the antebellum era by the 1880s.

On economic matters, Atkinson was long a staunch supporter of the various principles that underlay the emergent orthodoxy of laissez-faire economics: low tariffs, minimal government intervention, and most of all, hard money (that is, currency redeemable in precious metals, especially gold). Atkinson was also long regarded as an ideological enemy of the organized-labor movement, and he rejected as fundamentally socialist the very associationist principles that made trade unionism possible. Politically, Atkinson was closely associated with the independent, reform-minded wing of Republican Party intellectuals that emerged in the early 1870s, but his disillusionment with the **Grant** administration, along with his new business interests in the fire insurance industry, led him to briefly withdraw from public political engagement after the end of Reconstruction. He reemerged in the mid-1880s, however, as a prominent opponent of the burgeoning free-silver movement, a “Mugwump” supporter of Democratic president Grover Cleveland in 1884 and 1892, and a vociferous critic of American imperialism toward the end of the century. Atkinson's oft-demonstrated talent for articulating his convictions in clear if often strident prose left a lasting imprint on Reconstruction and Gilded Age political culture.

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*Scott P. Marler*

# B

## **Banks, Nathaniel P. (1816–1894)**

Nathaniel P. Banks was a central figure in **Abraham Lincoln**'s plans for Reconstruction. A politician's politician, Banks developed the reputation before the Civil War as a master parliamentarian, someone who could harness the energies of a fractious assembly and coax it to consensus. He first demonstrated these talents as Speaker of the House in the Massachusetts legislature and later as president of a convention to rewrite the state's constitution. Elected as a representative to the U.S. Congress in 1853, Banks moved skillfully to gain election as Speaker of that body in 1855. His elevation to Speaker of the House in the U.S. Congress was notable because it represented the first political victory on a national level for the newly formed, antislavery Republican Party.

Returning to Massachusetts to serve as governor in 1858, Banks was a politician to be reckoned with when war broke out in 1861. On May 16, Lincoln appointed Banks major general of U.S. volunteers to consolidate political support in the Northeast. Although Banks was clearly ill-prepared to assume such a lofty rank so early in the war, he quickly proved his worth by successfully implementing Lincoln's strategy in **Maryland** to keep that state from seceding.

Banks was given a chance to display his martial talent in February 1862, when he was ordered to occupy the Shenandoah Valley. Neither he nor Lincoln could have predicted that an unknown Confederate general, Thomas J. Jackson, would take advantage of Banks's inexperience to make him a scapegoat for the defeat that followed. Whipping Banks soundly at Winchester, Jackson did it again at Cedar Mountain in August, at which point it became apparent to Lincoln that Banks's usefulness as a political general might find a more suitable application in a geographic location of less-strategic importance.

The opportunity for a new assignment with an expanded role in Lincoln's plans to reunite the country occurred when another political general from Massachusetts, **Benjamin F. Butler**, created problems for Lincoln in **Louisiana**. Butler had encouraged the formation of Union clubs in New Orleans when he arrived, but had offended many of its citizens with his iron-fisted rule. Lincoln needed someone who could demonstrate more finesse in working with people whom he counted on to reestablish loyalty to the Union. Banks's success in handling a touchy political situation in Maryland made him the obvious choice to replace Butler. As one of Banks's aides explained, "There had been harsh measures enough in this department, and since Butler had stroked the cat from the tail to head, and found her full of yawl and scratch, [Banks] was determined to stroke her from head to tail, and see if she would hide her claws, and commence to purr" (Hepworth, 27-28).

Despite Banks's skills as a politician, the good citizens of New Orleans did not commence to purr. Both Banks and Lincoln tended to underestimate the strength of secessionist sentiment in the Crescent City and were surprised that people who had many personal ties to the North and who depended on commerce with the Midwest for their economic survival would be so resistant to the notion that they should proclaim their loyalty to the Union. Undeterred by the resistance, Banks began compiling a list of voters who had taken an oath that would qualify them to vote in state and municipal elections. The number of voters on Banks's list was not large, but he did not need many

because Lincoln had announced a plan to reconstruct the southern states in his annual address to Congress on December 9, 1863. According to his plan, Lincoln would recognize the legitimacy of a state government when the number of persons taking an oath of loyalty and voting in a state election exceeded 10 percent of the number of votes cast in the presidential election of 1860.

Believing that Banks had the political skill to make his plan work, Lincoln gave Banks absolute authority to direct the effort for Reconstruction in Louisiana. Reacting swiftly to Lincoln's vote of confidence, Banks ordered two elections in parts of the state that were under Union control. The first election scheduled for February 22, 1864, was for governor, lieutenant governor, and several other state offices. A second election on March 28 would select delegates to a **constitutional convention**. Together, the two elections formed the basis for a new state government, the Free State of Louisiana, which both Banks and Lincoln hoped would gain the approval of the U.S. Congress for **readmission** to the Union.

Both elections took place as scheduled, but the number of voters was not large. Nevertheless,



Nathaniel P. Banks, c. 1870. (Courtesy of the Library of Congress.)

**Georg Michael Hahn**, a Banks supporter born in Switzerland who had immigrated as a child to New Orleans, was elected governor. Elections for the constitutional convention one month later seated ninety-five delegates, who convened in April to rewrite the state's constitution. The document they adopted in July was forward-looking, given the standards of the day. It abolished slavery, recognized the rights of the working man to a degree that had not occurred previously in Louisiana, and left the door open for extending the vote to **African Americans**, especially those who "by military service, by taxation to support the government, or by intellectual fitness, may be deemed entitled thereto" (*Debates*, 237).

Banks worked behind the scenes to make the Free State a success but was distracted by his campaign up the Red River toward Shreveport during the spring of 1864. Committing the same errors he had made two years before in **Virginia**, Banks was soundly thrashed at Mansfield (Sabine Crossroads) and retreated to Simmesport. Lincoln could no longer ignore Banks's shortcomings as a general and reluctantly agreed to set him aside. To that end, Lincoln kept Banks in place, but he appointed another man, **Edward R. S. Canby**, to command a larger department that superceded Banks's command.

Stripped of his military authority but with the Free State of Louisiana still in place, Banks was summoned back to Washington to lobby for its admission to the Union. He spent the fall and winter of 1864–1865 doing his best to persuade the members of Congress to accept the Free State as the legitimate voice of a pro-Union Louisiana, but with the end of the war in sight, congressional leaders had no interest in letting Louisiana slip in before the broader issues regarding the readmission of all of the states that had seceded were settled.

Disappointed at having the admission of the Free State of Louisiana blocked in Congress, Banks started back to Louisiana on April 5, 1865. He heard about Lincoln's assassination in Cairo, Illinois, and proceeded to New Orleans, intent on doing what he could to bolster Unionist spirits, particularly now that the war was over. It was clear, however, that Banks's future did not lie in the Crescent City. Learning that the congressional seat in his home district was up for grabs, Banks said good-bye to his friends in Louisiana and headed home to Massachusetts. His departure from New Orleans marked the end of Nathaniel P. Banks's involvement in Reconstruction. Although he was elected and went on to serve six terms, Banks's postwar career in the U.S. House of Representatives was remarkable for its lack of distinction.

The Free State of Louisiana, minus Banks's leadership or support from Washington, quickly gave way to the reemergence of former secessionists, who captured the legislature in the fall of 1865, thanks to President **Andrew Johnson's** lenient policy in regard to former rebels. The window of opportunity for the peaceful transformation of Louisiana from a slave to a free society that opened with elections in the spring of 1864 soon closed. *See also* Amnesty Proclamations; Presidential Reconstruction; Republicans, Moderate.

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*James G. Hollandsworth, Jr.*

### **Belmont, August (1813–1890)**

An influential New York investment banker and well-connected power broker, August Belmont was an important figure in the **Democratic Party** during the Civil War and Reconstruction era, as well as a significant presence in New York cultural life. Belmont was born to Jewish parents in the village of Alzey in the Rhenish Palatinate (now the German state of Rhineland Palatinate), where his father was a landowner and prominent citizen. He grew up in Frankfurt, where he was educated and as a teen began working for the Rothschild financial house. After a stint in Italy and on the way to a banking post in Cuba in 1837, Belmont stopped in New York during a financial panic and decided to remain. He set up August Belmont & Company to act as the Rothschilds' agent in the United States and successfully capitalized on the financial opportunities available in New York. Within a few years of his arrival, Belmont was among New York's richest citizens and most prominent bankers.

Belmont continued to climb socially and became involved in politics. In 1844, he was naturalized as an American citizen, worked for President James K. Polk, and was appointed Austrian consul general in New York from 1844, a post he held until 1850. In 1849, Belmont married Caroline Slidell Perry, daughter of Commodore Matthew Perry and niece of **Louisiana** politician John Slidell. In 1853, Belmont was named U.S. charge d'affaires at the Hague. Belmont was an instrumental fundraiser and advocate in various political campaigns in the 1850s and was a key supporter of Stephen A. Douglas in the 1860 presidential campaign. Belmont served as chairman of the Democratic National Committee from 1860 until 1872 and after a hiatus remained active in party politics. He passed away in 1890, an elder statesman of the Democratic Party and a milestone in the economic and cultural history of New York. *See also* Democratic National Convention; Elections of 1864; Elections of 1868; Nast, Thomas; Tilden, Samuel J.; Tweed, William M.

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*Alex Feerst*

### **Bennett, James Gordon, Jr. (1841–1918)**

James Gordon Bennett, Jr., was a newspaper proprietor, sponsor of expeditions, and benefactor of several sports. A millionaire's son, he was known

for his wild lifestyle, erratic behavior, and extravagant spending. His father (1795–1872) was a Scottish immigrant who founded in 1835 the *New York Herald*, a highly successful four-page penny paper. A leading figure in early American journalism, Bennett, Sr., was a hardworking, heavy-handed manager who pursued sensational news stories and invented many innovative reporting methods such as the use of the transatlantic cables and of Civil War correspondents.

Bennett, Jr., was born in New York City on May 10, 1841, and was educated mostly in France. A sailing enthusiast, he participated in the Civil War as a U.S. revenue marine third lieutenant, commanding his 170-ton schooner yacht *Henrieta* while she was in federal service (1861–1862). In 1866, he also won the first transoceanic boat race.

In 1867, he took charge of his father's newspaper publishing business. In an effort to increase the circulation of the already commercially successful paper, he funded the 1869 expedition by British explorer Henry Morton Stanley into Africa to find the missing Scottish missionary Dr. David Livingstone. The search continued for two years until November 10, 1871, all the while providing the *Herald* exclusive coverage of exotic stories from Africa. In 1874–1877, Bennett's paper cosponsored—along with Britain's *Daily Telegraph*—Stanley's African transcontinental journey from Zanzibar, Tanzania, to the mouth of the Congo River. The 1879–1881 North Pole expedition of the steamer *Jeannette* was also funded by the *Herald*; although this voyage ended in the deaths of twenty crew members, the tragic event nevertheless boosted the paper's circulation. A sports enthusiast, Bennett funded several highly popular sporting events such as polo, international yachting, automobile racing, a gas balloon competition, and airplane racing.

Bennett left New York in 1877 and spent the last four decades of his life mainly in France. The departure followed a **scandal** that terminated his engagement to the rich socialite Caroline May. Arriving late and drunk at the mansion of her family in New York, he urinated into the living room fireplace in the presence of his hosts. This incident is recorded in the *Guinness Book of World Records* under “Greatest Engagement Faux Pas” and is considered the origin of “Gordon Bennett” as a British expression of disbelief.

Residing in France, Bennett continued to manage the *Herald* via telegraph communications, and, in 1887, launched the Paris edition of the paper, a notable English language daily that is still published as the *International Herald*



A caricature of James Gordon Bennett, Jr., from the *New York Herald*, 1884. (Courtesy of the Library of Congress.)

*Tribune*. He remained single until the age of seventy-three, when he married Baroness de Reuter, a daughter of the founder of the Reuters news agency. Bennett died at Beaulieu, France, on May 14, 1918. After his death, the *New York Herald* was merged with the *New York Sun* (1920) and the *New York Tribune* (1924) to become the *New York Herald Tribune*, a Republican daily newspaper that existed until 1966. *See also* Greeley, Horace; Johnson, Andrew; Nast, Thomas.

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*John J. Han*

### **Bingham, John A. (1815–1900)**

John Armor Bingham, congressman, leader of **Moderate Republicans** during Reconstruction, and author of the key phrases of Article 1 of the **Fourteenth Amendment**, was born in Mercer, Pennsylvania, on January 21, 1815. John was the eldest of the five children of Hugh and Esther Bailey Bingham, devout Presbyterians whose ancestors came to America during the colonial era and served in the American Revolution.

#### ***Antebellum Whig to Civil War Republican***

After his mother died in 1827, Bingham went to live with his father's brother, Thomas Bingham, in Cadiz, Ohio, a strong antislavery area. Four years later, after his father remarried, Bingham returned to Mercer where he was apprenticed to the publisher of *The Mercer Luminary*, an anti-Masonic newspaper that opposed slavery and supported temperance and internal improvements. He then entered Mercer Academy where, from 1833 to 1835, he received a classical **education**. In 1835, Bingham returned to Cadiz, and for two years he attended Franklin College in New Athens, six miles from his uncle's home. His education at Franklin served to enforce the antislavery influences that had already shaped his early life. After teaching for a term, Bingham returned to Pennsylvania, read law with John J. Pearson and William Stewart, and was admitted to the Pennsylvania bar. He then returned to Cadiz, read law with Chauncey Dewey, was admitted to the Ohio bar, and, in 1841, established a law practice with Josiah Scott, one of his uncle's sons-in-law. At the same time, he launched his political career, stumping for William Henry Harrison, the Whig presidential candidate. In June 1844, he married Amanda Bingham, one of his uncle's daughters, and settled in nearby New Philadelphia. In the fall of 1846, he won his first election, gaining the office of prosecuting attorney for Tuscarawas County, a post he held for two terms. He also served as a delegate to state and national Whig conventions and campaigned

for the Whig tickets. Bingham returned to Cadiz, and in the mid-1850s, along with other antislavery Whigs and Democrats, he took an active role in forming the new Republican Party in Ohio, as the Whig Party disintegrated over the issue of the extension of slavery into the territories. In 1854, he won election to Congress, where he earned a reputation as a skilled orator and debater. He continued to serve as Ohio's representative from the Twenty-first Congressional District until his defeat in 1862, when his district was eliminated and his county placed in the Sixteenth District. He quickly became a leader in the House, speaking forcefully against admitting Kansas as a slave state, for high tariffs, and against the **Supreme Court's** Dred Scott decision.

During the Civil War, Bingham joined the **Radical Republicans**, pushing for the confiscation of property owned by those who aided the Confederacy, advocating that the army not return slaves who had fled to their lines, and urging the expansion of federal power to prosecute the war. Economically, he favored the issuance of greenbacks and more taxes, homestead and soldier bounty bills, and a protective tariff. As a member of the **House Judiciary Committee**, he vigorously advocated the **emancipation** of all slaves, supported **Lincoln's** suspension of the writ of habeas corpus, and managed the bill to admit the western counties of **Virginia** into the Union as the new state of **West Virginia**.

Elected as the representative of the Sixteenth Congressional District in 1864, recovering from his 1862 defeat, Bingham continued in Congress until 1872. From 1869 to 1873, he chaired the House Judiciary Committee. Also, in late April 1865, Secretary of War **Edwin Stanton** appointed him chief investigator into the **assassination of Abraham Lincoln**. President **Andrew Johnson** then appointed him as special judge advocate in the trial of the conspirators. At the trial, which lasted from May 9 through June 10, 1865, Bingham worked to prove that Confederate president **Jefferson Davis** worked with the conspirators, but he failed to convince the military tribunal hearing the case. However, that tribunal did convict the eight men and women Bingham prosecuted.

### *A Moderate in Reconstruction*

During Reconstruction, Bingham emerged as one of the leading members of Congress and the moderate wing of the Republican Party, playing an influential role on the **Joint Committee on Reconstruction**, the committee Congress created in 1865 to recommend legislation needed to complete the restoration process. Believing Radical Republicans to be impractical ideologues, Bingham attempted to work with President Andrew Johnson and southern whites until it became apparent that southern whites could not be trusted to respect black freedom and that Johnson would not compromise with those who believed legislation was needed to protect the freed people before the southern states could be readmitted. Having voted to sustain Johnson's veto of the **Civil Rights** bill because he believed that the **U.S. Constitution** did not permit such legislation, he proposed, instead, a constitutional amendment to ensure that all citizens had federal protections for their inalienable rights. According to Supreme Court Justice Hugo Black, Bingham's campaign earned him the title of "the Madison of the Fourteenth Amendment." Bingham's initial

proposal would have empowered Congress to enact all laws necessary to secure to all citizens equal protection in their rights to life, liberty, and property. Although the committee rejected such nationalist language, Bingham continued to work on the project and eventually authored the version of the first section of the amendment (except for the first sentence defining citizenship) accepted by Congress and the nation. In speeches before the House and in correspondence with friends and political associates, Bingham made clear that what he intended by his words was to enable Congress to enforce the Bill of Rights against state action. In addition to working for the adoption of the Fourteenth Amendment, Bingham supported **Tennessee's** readmission to the Union after it ratified the amendment, initially opposed military reconstruction until it became apparent that no other choice was available, supported the **Enforcement Acts**, and opposed civil service. Economically, Bingham continued to support high tariffs. However, despite his work to ensure rights for blacks, Bingham opposed efforts on behalf of female **suffrage**.

By late 1867, Bingham had joined the radical forces, supporting expansion of military reconstruction. Still, he opposed Johnson's **impeachment** on solely political grounds. Only after Johnson fired Secretary of War Stanton in violation of the **Tenure of Office Act** did Bingham reluctantly join those supporting impeachment. In 1868, he served as a member of the committee to draw up the articles of impeachment and, after a power struggle with the radicals on the committee, he served as chairman of the **impeachment managers** for the House of Representatives at Johnson's impeachment trial before the Senate. As chairman, he read the articles of impeachment to the Senate and made the closing arguments in the case. Congressman **Benjamin F. Butler**, however, served as chief counsel, making the opening statement and examining the witnesses.

In 1872, after eight terms in Congress, Bingham failed to gain his party's renomination, losing to a **Liberal Republican**, Lorenzo Danford, amid charges of corruption, favoritism, and involvement with the Credit Mobilier **scandal**. In 1873, President **Ulysses S. Grant** appointed him U.S. minister plenipotentiary to Japan. He served in that capacity until 1885, and in 1894, Bingham helped end the treaties inflicted on Japan by the leading European nations that infringed on Japan's sovereignty, while also working to maintain America's diplomatic independence from Europe. Bingham also promoted peace between Japan and China over the question of Formosa, protested the British opium trade, and defended American commercial interests in Japan. After being recalled by Democratic president Grover Cleveland, he retired to Cadiz.

Bingham and his wife, Amanda, had three sons and four daughters. All the sons and two of the daughters died of diseases in their childhood. Another daughter died in her thirties. Bingham died March 19, 1900, and was buried at the Cadiz Union cemetery. *See also* Congressional Reconstruction; Presidential Reconstruction; Republicans, Moderate; Scandals; Trumbull, Lyman.

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*Roberta Sue Alexander*

### **Black, Jeremiah Sullivan (1810–1883)**

Jeremiah S. Black, lawyer, U.S. attorney general, and political advisor, was born near Stony Creek, Pennsylvania. After attending several schools and studying on his own, Black read law with Chauncey Forward in Somerset, Pennsylvania, and was admitted to the bar on December 3, 1830. Black married Forward's oldest daughter, Mary, in 1836. The couple had five children between 1837 and 1852.

Black was judge of the court of common pleas for Pennsylvania's Sixteenth Judicial District (1842–1851) and on the Pennsylvania Supreme Court (1851–1857) before President James Buchanan selected him to serve as attorney general. In this capacity, Black oversaw the settlement of some controversial land titles in California and attempted to enforce unpopular laws relating to the slave trade and the return of fugitive slaves. Black defended the Buchanan administration in a pamphlet war with Illinois senator Stephen A. Douglas, who favored popular sovereignty and criticized Buchanan.

After **Abraham Lincoln's** election as president in the fall of 1860, the southern states threatened to secede. In Black's legal opinion, the states could not do this, but neither could Buchanan "coerce" or force a state to stay in the Union. However, it was Buchanan's responsibility, Black said, to uphold the laws and protect federal property. Black also urged Buchanan to garrison southern forts more strongly, which the president did not do. In December 1860, Buchanan made Black secretary of state when Lewis Cass resigned.

In poor physical and financial health, he left office on March 4, 1861, but soon took a position as **Supreme Court** reporter and assembled two volumes of case accounts. Black's legal practice also grew. Politically, he opposed Abraham Lincoln's alleged "unconstitutional" violations of **civil rights** in the North during the war, but he supported the war effort generally.

After the war, Black served as a leading defense attorney for confederates **Jefferson Davis** and Clement C. Clay (whose cases never came to trial), as well as Lambdin P. Milligan and



Jeremiah Sullivan Black, c. 1859. (Courtesy of the Library of Congress.)

William H. McCardle. The Supreme Court cases *Ex parte Milligan* and *Ex parte McCardle* involved the issue of whether a civilian could be tried and convicted by a military commission in a state not actively threatened by war.

For a time, Black played an important role as an advisor to President **Andrew Johnson** on **patronage** and political issues. He helped Johnson to write his vetoes of the First and Second **Military Reconstruction Acts** as well as Johnson's Third **Annual Message**. As a result, the **House Judiciary Committee** questioned Black as part of its efforts to impeach Johnson. Black broke with Johnson because the president failed to act on behalf of two of Black's clients in a dispute over rights to mine guano on the island of Alta Vela in the Caribbean near Santo Domingo. Because of this, Black declined to be part of Johnson's defense team during his **impeachment** trial.

Black's right arm was crushed in a **railroad** accident in May 1869, but he learned to write left-handed. An unusual and eccentric character, Black continued to practice law and write controversial articles until the end of his life. *See also* Cabinets, Executive; Recusants.

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*Glenna R. Schroeder-Lein*

## Black Codes

The Black Codes, passed by the former Confederate states during **Presidential Reconstruction**, were part of a complex web of postwar economic, legal, and extralegal restraints designed by white conservatives to maintain broad control over the freedpeople.

The Black Codes originated in 1865 and 1866, as southern lawmakers met to bring their state constitutions in line with President **Andrew Johnson's** Reconstruction program. **Mississippi** legislators passed the first Black Code in November 1865; this became the prototype for similar legislation throughout the South.

Whites insisted that the Black Codes recognized the blacks' freedom and extended to them rights accorded antebellum whites: The freedmen could own property, testify in courts, and sue and be sued. Their marriages were recognized by law and their children were deemed legal heirs. In fact, though, white politicians fashioned both state Black Codes and local proscriptive ordinances in order to keep the former slaves at work and tied to the land—in a condition as close to bondage as possible.

Mississippi's Black Code mandated that the freedpeople "have lawful home or employment," but stipulated that they could not lease or rent land outside towns or cities. It required them to sign labor **contracts**, and those who broke their contracts "without good cause" were liable to arrest. It empowered

probate courts to apprentice black children “whose parent or parents have not the means, or who refuse to provide and support said minors.” The courts were instructed to award first preference to “the former owner of said minors.”

Mississippi’s “Act to Amend the **Vagrant** Laws of the State” defined “vagrants” broadly—to include idle blacks and whites who associated with them “on terms of equality” or with whom they were proven to have had sexual relations. Vagrants of both races received fines, but whites could circumvent the fines by taking a pauper’s oath. Blacks who failed to pay their fines after five days were hired out at auction to recoup the fine and court costs.

In a broadly discriminatory supplementary act, Mississippi’s Black Code forbade freedmen, with exceptions, from carrying “firearms of any kind, or any ammunition, dirk or bowie knife.” The act further prohibited people of color from

committing riots, routs, affrays, trespasses, malicious mischief, cruel treatment to animals, seditious speeches, insulting gestures, language or acts, or assaults on any person, disturbance of the peace, exercising the function of a minister of the Gospel, without a license from some regularly organized church, vending spirituous or intoxicating liquors, or committing any other misdemeanor, the punishment of which is not specifically provided for by law.

Persons who violated this act were subject to fines and possible imprisonment.

Though each southern state modeled its Black Codes after Mississippi’s, one state after another applied special racial proscriptions to its freedpeople. **South Carolina**, for example, included among vagrants “those who are engaged in representing publicly or privately, for fee or award, without license, any tragedy, interlude, comedy, farce, play, or similar entertainment, exhibition of the circus, sleight-of-hand, wax-works, or the like.” South Carolina’s Black Code authorized the master of an apprentice “to inflict moderate chastisement and impose reasonable restraint upon his apprentice, and to recapture him if he depart from his service.”

A police ordinance in St. Landry Parish, **Louisiana**, was designed to maintain the public order, “comfort and correct deportment” of the freedpeople. Blacks required passes to enter the parish; they could not be absent from their employers after ten o’clock at night. In St. Landry, freedpeople were prohibited from renting or owning land. Blacks residing there were “required to be in the regular service of some white person, or former owner, who shall be held responsible for the conduct of said negro.”

While the **Texas** Black Code guaranteed the freedpeople the right to choose their employers, it stipulated “but when once chosen, they shall not be allowed to leave their place of employment, until the fulfillment of their contract, unless by consent of their employer, or on account of harsh treatment or breach of contract on the part of the employer.” Black Texans did possess a lien of one-half of the crop to guarantee their payment, and their employers were to be fined double the amount due the laborer should they default on payment or treat their employees inhumanly. Texas law, however, required the black employee to “obey all proper orders of his employer,” and he or she was liable for fines if proven disobedient. Talking



back, swearing, neglecting duty, leaving the farm without permission, entertaining visitors during work hours—such infractions might be tolerated on the part of white workers, but they were strictly forbidden in the case of the freedpeople.

Such provisions, not surprisingly, led to a firestorm of protest in the North. The Black Codes outraged **Radical Republicans** and moderate northerners alike who interpreted them accurately as evidence of white southerners' unwillingness to accept **emancipation's** full meaning.

Upon returning from his 1865 fact-finding tour of the South, for example, General **Carl Schurz** denounced the Black Codes as mere extensions of the old slave codes. The new codes bound the freedpeople to their employers, Schurz charged, much as under slavery. Employers conspired to keep wages low and placed the freedpeople under vigilante-like law. The Black Codes subjected the blacks to the control of men who, Schurz explained, were "hardly fit to control themselves." Commenting on South Carolina's Black Code, the editor of the *New York Tribune* remarked that under it "involuntary servitude will exist for the punishment of no crime except the old crime of having a black skin."

While white southerners acknowledged begrudgingly the freedom of their former slaves, the Black Codes proved that they nonetheless refused to recognize the blacks' citizenship and to bestow upon them social or political equality. Unwilling to subject the freedpeople to their provisions, federal army commanders, agents from the **Bureau of Refugees, Freedmen, and Abandoned Lands**, and **provisional governors** prevented the Black Codes' enforcement.

The Black Codes nevertheless signified white southerners' ongoing commitment to slavery, to white supremacy, and their determination to circumscribe the legal status of the freedpeople. Confident that Johnson and the U.S. Congress would allow them to retain racial control over the blacks, during the first months of Reconstruction, whites brazenly passed laws designed to keep their former bondpeople separate and unequal, to limit severely their behavior and mobility, and to tie them to the land as a perpetual peasant class. In 1866, Congress passed the **Civil Rights Act** and the **Fourteenth Amendment** in part to protect the freedpeople from the neoslavery captured in the spirit and the letter of the notorious Black Codes. These laws nevertheless provided the ideological and legal foundation for the labor contracts, vagrancy legislation, lien laws, convict labor statutes, enticement laws, and debt peonage laws enacted by the southern states following Radical Reconstruction's demise. *See also* Abolition of Slavery; African Americans; Congressional Reconstruction; Labor Systems.

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*John David Smith*

## Black Politicians

For the purpose of Reconstruction, these are **African Americans** who, to foreground and advance the objectives and interests of the black community, act in a leadership role, inspire others to take action toward a specific political goal, and actively seek or are elected to legislative offices. During the Reconstruction era, the activities of black politicians encouraged Congress to ratify Constitutional Amendments that would offer **suffrage** for black men and provide equal protection for all American citizens.

### *Suffrage: Legislative Victory*

Prior to the **Military Reconstruction Acts**, African Americans as a group were in a precarious social and economic state. The successful ratification of the **Thirteenth Amendment** in 1865, which legislatively abolished slavery, did not sufficiently quell racial **violence** against African Americans, nor did it protect them from de facto slavery and political **disfranchisement**. After Congress overrode **Andrew Johnson's** veto, the **Civil Rights Act of 1866** yielded a modest return and little protection for blacks from vigilante whites and economic depression. Shortly after the bill was passed, Memphis, **Tennessee** witnessed the massacre of at least forty-six African Americans, while a police raid of a Republican meeting in New Orleans, **Louisiana** resulted in the murder of at least forty blacks and whites and left more than 140 wounded. Eighteen sixty-six also marked the establishment of the **Ku Klux Klan**, a white terrorist group whose sole purpose was to re-create the economic and social conditions of slavery. Many blacks and whites, including senator **Charles Sumner**, believed black political power was necessitated by the violence and political disempowerment of all African Americans. Before March 1867, blacks were not permitted to vote or hold public office. When **Congressional Reconstruction** enfranchised southern black men via the Military Reconstruction Acts, all of that changed swiftly. Between 1868 and 1876, more than 250 black men were elected to federal and state offices in **South Carolina** alone. (The Acts, however, only applied to the ten former Confederate states still not readmitted to Congress. Black voting and office holding in the rest of the nation had to wait until state reforms and, most important, the passage and ratification of the **Fifteenth Amendment** in 1870.)

### *Prominent Politicians*

From 1867 on, the political interests of African Americans were significantly advanced in government and the southern states, where black political activity was concentrated. Many black politicians became participants in the national political process, or were elected to various legislative offices. **Pinckney Benton Stewart Pinchback** of Louisiana, James H. Harris of **North Carolina**, H. E. Hayne of South Carolina, and G. T. Ruby of **Texas** became the first black delegates to participate in a Republican convention in May 1868. Reflective of their population size, black delegates also held the majority of seats at the South Carolina **constitutional convention** that year, and likewise, maintained those seats in the first assembly of the state's Reconstruction government.

However, the political movement of African Americans in general and black politicians in particular motivated more racial violence. Possibly in response to the ratification of the **Fourteenth Amendment** on July 21, 1868, and the election of **Oscar J. Dunn**, a former slave, as lieutenant governor of Louisiana, in September of that year, at least 250 African Americans were murdered in the Opelousas Massacre in Louisiana's Opelousas and Saint Bernard parishes.

Between 1869 and 1872, the activities of black politicians contributed to securing more political, civil, economic, and educational rights for African Americans. In 1869, the Colored National Labor Union convened to campaign for the equal distribution of land, and **Hiram Revels**, a pastor, was elected to the **Mississippi** State Senate. In 1870, Congress ratified the Fifteenth Amendment; **Joseph Hayne Rainey** was elected to the U.S. Congress representing South Carolina; **Robert Smalls**, who had been a member of the South Carolina House of Representatives in 1868, became a member of the State Senate; and **Robert Brown Elliott** (R-SC) and Benjamin S. Turner (R-AL) were elected to the U.S. Congress. In Louisville, **Kentucky**, a campaign to integrate public transportation began, when black men refused to disembark a streetcar, leading to a suit against the Central Passenger Company, in which the U.S. District Court ruled to integrate in 1871. In 1872, Pinchback became the first American elected to two public offices simultaneously, the House of Representatives and the Senate; however, he was not officially seated to either position, as his election was deemed suspicious, but never proven fraudulent.

Black women were rendered voiceless and invisible in the political process during the nineteenth century. However, taking their lead from Maria Stewart, a political speaker and friend of David Walker, black women would make their political marks during the Reconstruction era. During the many state constitutional conventions being held throughout the South in the 1870s, black women, despite gender restrictive participation, voiced their opposition to segregation, and argued for blacks' equal access to **education** and the vote. When black men began to exercise their Fifteenth Amendment rights, black women were directly involved not only in getting black men to vote, but also in deciding which platforms African American voters should support. Teaching was the first professional position widely held by black women; therefore, they used their standing as educators to further the black agenda. Because of black women politicians such as Fanny Jackson Coppin, the first black woman to head an American educational institution; Louisa Rollin and Mary Ann Shadd Cary, who spoke to Congress regarding women's suffrage in 1869 and 1871, respectively; and Harriet Purvis, the first African American to hold the vice presidential seat with the National Women's Suffrage Association, black women were able to sway the political process toward increasing the upward mobility of African Americans, even if, as in 1875, they had to arm themselves to secure the voting process for black men. Although most of their names have fallen into historical obscurity, their presence in the political process during Reconstruction was acknowledged by leading politicians such as **Frederick Douglass**, who is noted as being the first black male feminist.

Between 1872 and the end of Reconstruction, hundreds of black men served as delegates to Republican conventions, were elected to myriad political offices, advanced the passing of a supplementary civil rights bill written by Charles Sumner, as well as Constitutional Amendments, and pushed the political envelope to its limit to equalize African Americans' standing as American citizens. However, southern whites argued that blacks—regardless of their background as slaves or freeborn men—were inadequate and sometimes blatantly irresponsible at their posts, and black politicians were ridiculed by the mainstream press. As a result, many of the positions to which black men were elected were rescinded under the auspices of white ideological belief of their inferiority.

One anecdote is metaphorical for the incredible rise, and then decline of black political activity. The first black man to serve a full term in the U.S. Senate (1875–1881) **Blanche Kelso Bruce** (R-MS) was a former slave from **Virginia**. He was even considered for a presidential cabinet post, under the McKinley administration. Not until 1966 would another African American serve a full term in the Senate. *See also* Abolitionists; Abolition of Slavery; Black Suffrage; Civil Rights; Congressional Reconstruction; Emancipation; Jim Crow Laws; Johnson, Andrew; New South; Redemption; Republicans, Radical; Women's Movement. *See also* the individual southern state entries.

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*Ellesia A. Blaque*

## Black Suffrage

First implemented by congressional legislations in 1867 and then nationalized by the **Fifteenth Amendment** in 1870, the enfranchisement of **African American** men in the wake of the Civil War represented the most revolutionary reform in American political and constitutional orders of the Reconstruction era. It was the possession of voting rights by the freedmen that separated African Americans' postemancipation experience from their counterparts in most Latin American nations in the nineteenth century. Black suffrage, however, should not be seen as an inevitable result of the destruction of slavery and black **emancipation**, neither of which was actually the original goal of the Civil War. Instead, it was achieved only through constant contests

between the inspirations for constructing a new American democracy and the desires for retaining the old one that tolerated slavery and encouraged exclusions.

### *Black Suffrage before the Civil War*

Since the beginning of the nation, African Americans had been generally denied the right to vote, even though more than 5,000 of them had fought for the nation's independence. In their first constitutions, half of the original states specifically limited **suffrage** to "whites" or "freemen," while the other half practically excluded the majority of blacks from voting with property, literacy, and other requirements. When suffrage was extended to all adult white males in the early nineteenth century, a notable development of the "Jacksonian Democracy," a number of the original states that had not explicitly excluded blacks in their first constitutions added racial qualification for their voters. Pennsylvania, for example, took voting rights away from its black citizens in 1838, fearing the growing black population in Philadelphia might eventually exert some decisive influence in the state's politics. New York removed property qualifications for white voters, but required the possession of a freehold worth of \$250 for a black man to take part in casting a ballot. Most of the new states that joined the Union between the ratification of the **U.S. Constitution** and the Civil War had explicitly limited suffrage to white males. On the eve of the Civil War, only in New England states, where less than 7 percent of the northern black population lived, could blacks vote as whites without additional discriminatory qualifications. African Americans in the North had consistently protested against voting discriminations. Northern black newspapers constantly published petitions from ordinary folks demanding suffrage. Black leaders also held regional and state conventions to put pressure on state legislatures, but most of the efforts ended without success.

### *Emancipation and Wartime Demand for Suffrage*

The Civil War proved to be pivotal in abolishing slavery and subsequently creating the opportunity for blacks to win voting rights, but the Republican Party had envisioned neither black emancipation nor black enfranchisement as the outcomes of the Civil War when it began in April 1861. The party confined its political objective to stopping the expansion of slavery into unorganized federal territories and refused to be recognized as a pro-black-rights party, much less to advocate political equality between blacks. Slaves in the South and free blacks in the North saw the impending war not as a struggle to preserve the old Union, but as a godsend opportunity to win freedom. When the first group of fugitive slaves (later known as "**contrabands**") voluntarily entered the Union army line in **Virginia** in early 1861, they were actually freeing themselves from slavery. Their action of self-emancipation had compelled the federal government to face the issue of their ultimate emancipation. In two **confiscation acts**, respectively passed in 1861 and 1862, Congress declared freedom for those slaves who had been used by the Confederacy for military purposes. The Emancipation Proclamation, initially issued by

President **Abraham Lincoln** on September 22, 1862, was intended to be a military measure and “an act of justice.” It declared freedom for all slaves still living in the Confederate-controlled areas and called the freedmen to join the Union army. Even before the Emancipation Proclamation took effect on January 1, 1863, African Americans, free and enslaved, had begun to enlist in the Union army. Eventually, about 200,000 African American men served in the Union army and navy between 1863 and 1865. Another 300,000 served as laborers for the Union throughout the war. Black soldiers’ participation laid the foundation for their demand for suffrage after the war, but for some Republican leaders, the commitment to liberty and the Union made the freedpeople the only loyal population that the Republican Party could rely on for postwar Reconstruction.

As a people long deprived of political rights, African Americans were among those who first seized the opportunity of the Civil War to demand a redefinition of their political status in America. Northern black leaders urged blacks to join the Union army and to embrace the American nation, but at the same time they demanded that black soldiers be rewarded with equal citizenship and rights, including political rights. When Lincoln, in his Gettysburg Address (November 19, 1863), predicted “a new birth of freedom” after the Civil War, black abolitionist **Frederick Douglass** responded that the new American freedom should make “every slave free, and every freeman a voter.”

### *Presidential Reconstruction*

In the first phase of Reconstruction—the **Presidential Reconstruction** between 1863 and 1866—however, black suffrage was not on the agenda. Lincoln’s first Reconstruction plan, known as the “Ten Percent Plan,” was issued in December 1863, when the war was still going on. The plan instructed a southern state to reestablish its new state government after 10 percent of its registered voters in 1860 had taken the required oath of allegiance to the Union. Since no southern blacks could vote before the Civil War, African Americans had been excluded from the process of Reconstruction. Lincoln’s policy was shaped by his view of Reconstruction, which he believed should not overthrow the original constitutional framework of federalism that gave states the exclusive power to prescribe qualifications for voters.

African Americans protested against Lincoln’s white-only Reconstruction plan. Black leaders held a national convention in Syracuse, New York, in 1864 to demand suffrage. African Americans in New Orleans sent two of their representatives—Jean-Baptiste Roudanez and Arnold Bertonneau—to Washington, D.C., in early 1864, to lobby Congress and Lincoln for making black suffrage a national requirement for Reconstruction. After meeting the black representatives in the White House, Lincoln wrote to the **military governor of Louisiana** to privately suggest that the state consider enfranchising black soldiers and “intelligent” blacks because these people could help the Union “to keep the jewel of liberty within the family of freedom.” In his last public speech on April 11, 1865, Lincoln openly expressed the same wishes, but he

did not intend to invoke the power of federal government to enfranchise the freedmen.

**Andrew Johnson**, Lincoln's successor, continued to pursue the white-only Reconstruction policy, although he increased the oath-taking white voters in a southern state to 50 percent. Johnson might have shared Lincoln's concerns about retaining the original constitutionalism, but his Reconstruction plan, issued in May 1865 when the war was already over, also reflected his refusal to recognize the changed circumstances and the need for a different plan. Lincoln's Reconstruction program contained an obviously expedient wartime objective—to establish a pro-Union state government in the Union-occupied regions to politically dismantle the Confederacy. However, Johnson was facing a different situation: Ex-Confederates were hoping to restore the prewar political order and had no intention to make ex-slaves their political equals during and after the process of Reconstruction.

### *Initial Congressional Reactions*

Congress attempted to shape presidential Reconstruction from early on. The **Wade-Davis Bill**, which required a southern state to have at least 50 percent of its prewar voters to take the allegiance oath, was a response to Lincoln's Ten Percent Plan. Even though the bill never intended to enfranchise the freedmen, Lincoln still pocket vetoed it. Congress's limited role during this period was in part due to the internal division of the Republicans—the majority party in both houses—over such questions as what would be the objectives of Reconstruction and how they would be achieved. Conservatives were in line with the Presidential Reconstruction plan and saw Reconstruction as no more than the restoration of the original constitutional framework without slavery. Moderates, who comprised the majority of the party, would not oppose limited national protections for the basic rights of the freedmen, but they were reluctant to enfranchise ex-slaves, fearing that such policy would backfire and hurt the party in northern and western states, many of which still disfranchised free blacks. Many of them, too, did not think freedmen would be able to understand the political process that quickly. Radical Republicans saw Reconstruction as an opportunity to uproot the southern ruling elite, who were responsible for starting the war, and to build a new South ruled by the free labor Republicanism and market economy. They saw the freedmen as the party's only trustworthy ally in promoting such reforms. Black enfranchisement was a necessity to protect and strengthen the shared interests of freedmen, the Republican Party, and the nation. Thus, they demanded that black suffrage be made a prerequisite for the **readmission** of the ex-Confederate states. The Radicals, who were a minority within the party, made several attempts to insert black suffrage into various Reconstruction policies or legislations, including the proposed **Thirteenth Amendment**, but none of such efforts were successful. The Thirteenth Amendment, ratified in December 1865, abolished slavery in the United States, but said nothing about black rights.

The enactment of a series of state laws, known as **Black Codes**, in 1865–1866 by reconstructed southern states changed the course of history. In the

name of establishing and maintaining social order, Black Codes set up various legal barriers for freedmen to enjoy equal rights and freedom. For some Republicans, Black Codes represented a political comeback of the defeated planter politicians who wanted to resume slavery in a different format. To counter the Black Codes, Congress moved to enact a **Freedmen's Bureau bill** and a **Civil Rights** bill in early 1866. The former would empower the federal agency to assist and protect freedmen in the South and the latter would confer national citizenship on all freedmen and guarantee them a number of essential civil and economic rights, including the right to own property, make **contracts**, and sue. Neither of the bills mentioned black political rights. **Moderate Republicans** had hoped that President Johnson would approve these bills, which they regarded as supplementary to Johnson's own Reconstruction plan, but Johnson vetoed both bills, citing that these laws had extended federal powers beyond the limits of the original Constitution.

In response, the enraged and frustrated Moderate Republicans joined the Radicals in early 1866 to repass both bills over Johnson's vetoes and, subsequently, to enact the **Fourteenth Amendment**. The second section of the Fourteenth Amendment stipulated that if a state denied its male citizens of twenty-one years or older the right to vote, the number of its representatives to the House of Representatives would be reduced in proportion. The wording of the section reflected a carefully constructed compromise between different factions of the Republicans in Congress. Since 90 percent of four million blacks lived in the South, southern states would be heavily punished by losing representation in the House for withholding suffrage of freedmen; but northern states could continue to **disfranchise** their black citizens with little impunity since the northern black population was too small to make a real difference in the proportionate calculation of a state's representation in the House. The rationale as embedded in the section was similar to that of presidential Reconstruction plans, namely, to let individual states grant suffrage to their freedmen. The difference is that the Fourteenth Amendment did imply a new national power to punish states for denying voting rights to U.S. citizens. Although the section was never enforced, Republicans quickly applied the new national power of regulating suffrage to several other occasions. Between December 1866 and February 1867, Congress succeeded, over Johnson's vetoes, in enfranchising black men in the District of Columbia and unorganized federal territories, and made impartial suffrage—equal voting rights for adult male citizens regardless of color—a precondition for the admission of Nebraska and Colorado.

### ***Congressional (Radical) Reconstruction***

Johnson's obstruction and southern states' resistance made the prospect of ratifying the Fourteenth Amendment very dim. When the midterm elections of 1866 gave a two-thirds majority for Republicans in both houses of Congress, a united front of Moderate and Radical Republicans began to initiate a congressional Reconstruction program to replace Presidential Reconstruction. Proclaimed in March 1867, **Congressional Reconstruction** repealed





A woodcut of freedmen casting their ballots, 1868. (Courtesy of the Library of Congress.)

Presidential Reconstruction and ordered the making of new state constitutions in ten former Confederate states (**Tennessee** was exempted from the process). Congress mandated that freedmen be allowed to elect delegates to state **constitutional conventions** and universal manhood suffrage be made a permanent provision of new state constitutions. Under the congressional program, about 735,000 blacks and 635,000 whites were registered in the ten unreconstructed states, and blacks constituted a majority of voters in five states. Blacks were also majorities in the state constitutional conventions in **Louisiana** and **South Carolina**. The new state constitutional conventions produced the most democratic state constitutions since the founding of the nation as they adopted universal suffrage, public schools for both blacks and whites, and state-funded services for the poor and disabled. African Americans' participation in Congressional Reconstruction was instrumental in the South's adoption of the Fourteenth Amendment, a requirement by Congress. With the ratification of the Fourteenth Amendment in 1868, seven states including **Alabama**, **Arkansas**, South Carolina, **North Carolina**, **Georgia**, and Louisiana were readmitted into Congress. **Virginia**, **Mississippi**, and **Texas** were readmitted respectively in 1869 and 1870. In 1870, **Hiram Revels** of Mississippi was seated in the Senate as the nation's first black senator. In the next thirty years, altogether twenty-two African American men were elected to Congress from the South. Another 1,400 held public offices at the state and local governments during Reconstruction. For the period between 1867 and the early 1870s, interracial democracy was an American reality.

### *The Making of the Fifteenth Amendment*

Black enfranchisement in the South inevitably raised the issue of black disfranchisement in the North. It also intensified the debate on women's suffrage. Northern states, however, continued to vote down black suffrage

reform proposals in Ohio, Minnesota, Kansas, and Michigan in 1867 and 1868. **Ulysses S. Grant**'s slim victory (a plurality of 300,000 out of 5.7 million votes) and the Democrats' victories in three northern states (Oregon, New Jersey, and New York) and three border states (Delaware, **Maryland**, and **Kentucky**) alarmed Republicans about losing their backyard in the near future to Democrats. The party's double standard on treating black suffrage in the South and North also made its ideological commitment to black equality look hollow and hypocritical. Furthermore, Republicans felt it necessary to secure black voting rights on a more permanent basis as they saw former Confederate states returning to Congress. Because of these concerns, Republicans proposed the Fifteenth Amendment in early 1869.

Out of a host of proposals emerged three versions of the would-be Fifteenth Amendment: The first simply forbade states to deny citizens the right to vote on grounds of race, color, or previous condition of servitude; the second further forbade states to impose literacy, property, or nativity qualifications for voting in addition to racial qualification; and the third simply declared that the voting right was a universal entitlement to all adult male citizens. Fearing a more stringent version would lead to the defeat of the amendment, moderates adopted, on February 26, 1869, the first and most conservative version, an action that outraged Radical Republicans who had preferred the third version. Ratification of the amendment went rather quickly. Seventeen Republican-controlled state legislatures then in session ratified the amendment. Four southern states—Virginia, Mississippi, Texas, and Georgia—were required to ratify it to fulfill the additional prerequisite for readmission. By March 30, 1870, the Fifteenth Amendment became part of the Constitution.

The Fifteenth Amendment was largely a work of the Moderate Republicans. It did not affirmatively confer voting rights on African Americans and simply prohibited states to deny voting rights for racial reasons. It did not grant voting rights to women, still a taboo subject even for many Radical Republicans. It continued to allow wide latitudes for states to disfranchise citizens with literacy, residence, and nativity qualifications, but the amendment recognized political equality between blacks and whites as a new fundamental constitutional principle in American democracy. It affirmed and nationalized the practice of black voting as first implemented in 1867, effectively overrode northern and western states' power to exclude blacks from political process, and gave Congress the power to enforce black suffrage in the years to come.

### *Enforcing the Fifteenth Amendment*

The ratification of the Fifteenth Amendment did not, as President Grant predicted, take the issue of black suffrage "out of politics." The rising and widespread **violence** as conducted by the **Ku Klux Klan** and similar organizations posed foremost challenges for freedmen to freely exercise voting rights in the South. Southern states either had no resources or willingness to enforce their anti-Klan laws. In the meantime, Republicans confronted unchecked election frauds, occurring nationwide, which they believed particularly helped strengthen the Democrats in northern cities where noncitizen immigrants were organized to cast votes. To guarantee southern blacks' right

to vote and to establish a uniform federal mechanism of election supervision, the Republican Congress launched an enforcement campaign. Within a year, between May 1870 and April 1871, Congress enacted three laws to enforce the Fifteenth Amendments. Among other things, these laws put the exercise of voting rights by U.S. citizens (as defined by the Fourteenth Amendment) under the protection of federal government and provided severe penalties against state officials, as well as private citizens, for using force, bribery, threats, or intimidation to obstruct citizens from registering or voting. These laws also established federal mechanisms for enforcement, including authority for federal district courts to hear enforcement cases and federal district attorneys and marshals to investigate violations of the Fifteenth Amendment and make arrests. Under these laws, the president was empowered to use military forces to guarantee “free election and fair count.”

Federal courts and the newly created Department of Justice (founded in 1870) shouldered the bulk of enforcement work. In 1871, a total of 314 cases under the **enforcement acts** were reported, and 128 of the 206 cases from the South that year ended in convictions. The number of enforcement cases tripled in 1872; 456 of the 603 cases coming from the South ended in convictions. This demonstrated the enormous power of the national government in enforcing the Reconstruction amendments and also brought peace to the polls nationwide. The presidential election of 1872, at which Grant was reelected with a landslide victory, was the most peaceful one in the nineteenth century.

The vigor of enforcement began to decline after the 1872 elections. Short of funding, the removal of able leadership from the federal department of justice, the shift of national attention to economic issues (a result of the 1873 economic panic), and the waning of northern interest as demonstrated in the rise of the **Liberal Republicans**, all contributed to the ultimate decline of enforcement. The **Supreme Court** in deciding *United States v. Reese* (1876), which involved a state official refusing the registration of a black voter in Kentucky, declared two sections of a major enforcement act (May 31, 1870) “insufficient.” In *United States v. Cruikshank* (1876), the Court deemed another six of the same enforcement laws defective. Although the Court did not invalidate the enforcement law, its rulings substantively diluted the law’s power, as well as the entire cause of enforcement. In the midterm elections of 1874, the Democrats regained the House and vowed to block any further legislation of enforcement. Under such circumstances, federal enforcement continued to decline. In 1873, 36 percent of 1,304 enforcement cases ended in convictions, but in 1874, the conviction rate dropped to 10 percent, with 102 of 966 reported enforcement cases ending in convictions. In 1876, the total number of the enforcement cases dropped to 149, of which only three resulted in convictions.

### *The Coming of Disfranchisement*

The final blow upon enforcement came from the disputed 1876 presidential elections. As part of the “bargain” struck by Democrats and Republicans behind the scenes, Republican candidate **Rutherford B. Hayes** received the disputed electoral votes, but promised to restore “home rule” in the South.

After the withdrawal of federal troops from the statehouses in Louisiana and South Carolina in April 1877, the Republican governments in those two states collapsed, completing the process of Democrats' recapture of all southern states. Systematic disfranchisement of African Americans in the South began as early as 1874 (as carried out by the notorious **Mississippi Plan**), proceeded through the 1880s, and reached a peak in the 1890s. Elaborate voting restrictions, such as a **poll tax** and literacy test, substantively disfranchised African Americans throughout the South at the turn of the twentieth century. Blacks who managed to register to vote were further curtailed by the white primary, a mechanism that restricted the participation of Democratic Party primary elections only to whites (in the South, the Democratic Party was virtually the only party). Republicans made attempts to reinforce the Fifteenth Amendment in 1890-1891, but the party's fight ended with a fiasco. In 1894, after a Democratic Congress repealed federal enforcement laws, the Fifteenth Amendment remained virtually unenforced by the federal government until the passage of the Voting Rights Act of 1965. The implementation of black suffrage during Reconstruction, however, remained a powerful memory of interracial democracy that inspired new generations of blacks and whites in their fights for black re-enfranchisement in the twentieth century. *See also* Compromise of 1877; Elections of 1876; Redemption.

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### **Black Troops (U.S.C.T.) in the Occupied South**

The U.S. Colored Troops (U.S.C.T.), part of the volunteer Union army amassed during the Civil War, consisted of black troops who served during the war and in the early part of Reconstruction. Former slaves as well as free black men from the North and South served in all theaters of the Civil War. After the war, black troops served as occupation forces in all parts of the South, although after 1865 they were concentrated in coastal forts and in **Texas**. The service of black troops in the war and Reconstruction influenced Reconstruction in both practical and symbolic ways.

Approximately 180,000 black men served as soldiers in the Union army during the Civil War. While black men were not admitted into the Union army in the war's first year, they were accepted in 1862, and were actively recruited from 1863 through the end of the war. Although many black men eagerly sought the opportunity to enlist and fight against secession and slavery, they faced obstacles in the Union army. Black soldiers served in segregated units under white officers, and could not become officers until late in the war. Initially, they were paid less than white troops. U.S. Colored Troops often received inferior food, equipment, and medical care, and at first they were confined to noncombat tasks such as laboring and guard duty. Black troops also faced greater risks than white troops: If captured by Confederates, they could be sold into slavery, tried for insurrection and executed, or killed. Black troops overcame a number of the disadvantages they faced. They won the right to fight, and key 1863 battles such as Port Hudson and Fort Wagner proved black troops' effectiveness and bravery in combat, which modified many white northerners' assumptions of black inferiority. In June 1864, black troops won another critical victory when the U.S. Congress equalized pay between black and white soldiers. The experiences men gained as soldiers equipped many for leadership roles in equal rights conventions, **suffrage** leagues, and other forms of grassroots political activism during Reconstruction. For all, serving as soldiers who helped to save the Union laid claim to full citizenship rights in the reconstructed nation.

During Reconstruction, the Union army (including the U.S. Colored Troops) served as an army of occupation in the South. Although demobilization happened quickly once the Civil War ended, white regiments were often mustered out faster than black regiments, because white regiments had been formed earlier in the war. Therefore, nearly 85,000 black soldiers remained in the Union army at war's end, comprising more than one-third of the federal occupying force. In the immediate aftermath of the Civil War, the Union army provided the only source of order in the war-torn South; one major role played by black troops was keeping the peace. U.S. Colored Troops also helped to distribute rations to needy civilians, clear away rubble, and begin rebuilding the South. The presence of black Union soldiers often inspired former slaves, and black soldiers working in cooperation with the **Bureau of Refugees, Freedmen, and Abandoned Lands** (the Freedmen's Bureau) encouraged local freedpeople in the formation of civic organizations, mutual assistance societies, schools, and political leagues to press for **civil rights** and **black suffrage**. Black troops also protected communities of former slaves, discouraging white

southerners from attacking blacks or coercing them into conditions that resembled slavery. By their very presence in southern towns and throughout the countryside, black troops signified that the weight of the U.S. government backed freedpeople's safety and exercise of their rights. Meanwhile, black soldiers who had themselves been slaves before the war often took advantage of their army service as an opportunity to learn to read and write.

Yet, just as army service during the war often proved full of disappointments for black soldiers, serving in the U.S. Colored Troops during Reconstruction fell short of black soldiers' aspirations in many ways. During the war, service in a shared cause helped unite white and black Union troops, and even began to erode some white northerners' racist attitudes. Once victory made that common cause obsolete, many white soldiers who were impatient to get home reverted to earlier prejudices. In Charleston, **South Carolina**, a riot erupted between white and black Union troops in 1865. Alliances between white officers and black soldiers began to break down, sometimes leading black troops to revolt

against their officers. In October 1865, one regiment even mutinied in Jacksonville, **Florida**, when an officer tied a soldier up by his thumbs; in response, military authorities executed five enlisted men. Such incidents were rare, but the fact they occurred at all indicated that the equality and civil rights that black troops felt they had earned remained elusive, even within the army.

Black troops faced even more trouble in their interactions with hostile white southerners. To former Confederates, black Union troops as occupying forces symbolized the complete destruction of the southern social order, and utter defeat of the Confederate cause. Plantation owners often felt that the presence of black soldiers disrupted the black labor force by giving black workers ideas about rights and equality. Some responded by trying to discredit black troops as disorderly, vicious, or incompetent, and called on army officials to remove black troops. Others harassed U.S. Colored Troops outright, which led to **violence**. In Augusta, **Georgia**, a city policeman murdered a black private. Whites in Raymond, **Mississippi**, fired on three black soldiers, killing one. In Baton Rouge, a brawl broke out when a white bartender refused to serve six enlisted soldiers. One of the worst occurrences took place in Memphis, **Tennessee**, where the general persecution of black troops by white residents led to the **Memphis Riot (1866)**, a race riot that resulted in the deaths of forty-six blacks, most of them civilians.

The mounting violence became intolerable to Union authorities. In 1865 and 1866, ranking Union army general **Ulysses S. Grant** toured the South, and decided that the persistent hostilities must be stopped. While Grant believed



Unidentified African American soldier on horseback, c. 1865. (Courtesy of the Library of Congress.)

that freedpeople deserved the protection of the U.S. government, he also decided that removing black soldiers might ease tensions. Most black regiments were relocated to coastal forts where they interacted with few civilians, or were sent to western posts. The Twenty-fifth Corps, for instance, was shipped to Texas; France had invaded Mexico, and black soldiers now patrolled the Mexican border to ensure that the French did not invade the United States. For black southerners, the transfer of black troops removed a crucial source of protection from white aggression. For black soldiers, the change often meant more unpleasant duty and unwelcome distance from home and loved ones. Inadequate food, water shortages, and bad weather conditions in Texas led to health problems. As black troops waited out the expiration of their enlistments, much of the early promise of the army seemed to fade.

While the volunteer U.S. Colored Troops eventually mustered out at the end of their enlistments, the worthy service of black soldiers during the Civil War and Reconstruction ensured a place for black troops in the regular U.S. Army. In July 1866, the U.S. Congress reorganized the regular army by passing “An Act to Increase and Fix the Military Peace Establishment of the United States.” The Act created two black cavalry regiments, the Ninth and Tenth Cavalry, and four black infantry regiments, which were later consolidated into two black infantry regiments, the Twenty-fourth and Twenty-fifth Infantry. The black regular army regiments served mainly in the West, where they became known as Buffalo Soldiers. Ironically, black soldiers continued to strive for recognition of their full citizenship rights by fighting in the Indian Wars against **American Indians** who resisted the federal government’s attempts to turn them into U.S. citizens. At the end of the century, Buffalo Soldiers participated in the Spanish-American War and Philippine Insurrection.

The experiences of black soldiers in the U.S. Colored Troops influenced Reconstruction in several ways. In practical terms, black troops performed critical duties in the immediate aftermath of the war. By guarding, patrolling, cleaning up the rubble of war, and helping to reassert law and order in the defeated South, black troops did much of the day-to-day work of early Reconstruction. To former slaves, black soldiers symbolized liberation and a new relationship between blacks and the U.S. government. To southern whites, black soldiers emphasized the complete destruction of the old social order. For black soldiers themselves, army service staked a claim to full equality that could hardly have been imagined before the Civil War began. Yet, the reality of the army also reflected many of the disappointments blacks confronted in the aftermath of the Civil War, as black troops in Reconstruction continued to face discrimination and hostility. Like Reconstruction itself, service in the U.S. Colored Troops was full of both great promise and tragically unfulfilled hopes for many black Americans. *See also* U.S. Army and Reconstruction.

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*Chandra Miller Manning*

### **Blaine, James G. (1830–1893)**

James Gillespie Blaine, “the continental liar from the State of Maine,” was one of the most prominent politicians of the postwar era. His agenda mixed ideology with economics, blunt party power with morality and human values. His career before, during, and after Reconstruction provides a window into the complex men and motives of such a chaotic age.

#### ***Early Life and Motivating Forces***

Born in Pennsylvania in 1830, he established his political career in Maine, where he relocated in 1854 to edit the influential *Kennebec Journal*. Joining the Republican Party soon after its inception, Blaine was elected to the Maine legislature in 1859, where he quickly became Speaker. His election to the 38th Congress elevated him to the national stage he craved. Serving in the house from March 4, 1863, until July 10, 1876, when he resigned to enter the Senate as a replacement for the retiring Lot M. Morrill, Blaine held the post of Speaker from the 41st through 43rd Congresses. Serving in the Senate from July 10, 1876, to March 5, 1881, Blaine’s power was almost unequalled. In 1881, he left the Senate to become secretary of state under President **James Garfield**; Garfield’s death in July cut short Blaine’s tenure, and he resigned from President Chester Arthur’s cabinet on December 12, 1881. Under President Benjamin Harrison, Blaine became secretary of state once again, and served from 1889 until 1892, when ill health forced him to resign.

Blaine’s consuming drive for power was based more on his determination to promote the Republican vision of a great and rich nation than on his principled support for **African American** rights in the face of southern Democrat hostility. During the Civil War years, Blaine hitched his star to the Washburn brothers, who controlled Republican politics in Maine, but after the war, while they stayed mired in principles of equality, he turned quickly to consolidating Republican power to guarantee that the **Democratic Party** would not gain national influence. Supporting **black suffrage** on the one hand, while supporting legislation to develop business and overlooking corruption on the other, Blaine represented the contradictions of post-Civil War Republicanism.

#### ***For the Good of the Nation and the Party***

For Blaine, economics and financial demands held center stage and unified his many goals for the nation. He insisted on federal protection of southern



African American voters, determined that their votes must be counted to offset the votes of the southern Democrats. Opposition by such Conservatives, who cheated black laborers, interfered with Blaine's desire to guarantee Republican plans for a unified, progressive nation based on free labor. At the same time, Blaine stood firmly in the probusiness wing of the Republican Party, championing the hard money businessmen despite demands of farmers, laborers, and miners for the greenbacks or silver coinage that would expand the currency. An adamant supporter of a tariff to protect American manufacturers, Blaine drew the wrath of consumers saddled with the high prices that protected businesses could charge for their products. Courting the votes of those who disliked the increasingly foreign-born American workforce, Blaine backed in the mid-1870s a constitutional amendment prohibiting the use of tax dollars to support religious schools. Aimed at new Catholic immigrants, this amendment did not pass Congress, but many states adopted "Blaine amendments," which remain in effect today. While supporting Republican probusiness economic politics at home, he also worked to expand economic American power abroad, trying to establish a Pan-American Congress to endorse free trade, negotiating reciprocity treaties, and insisting on American control of the immensely valuable Bering Sea seal fisheries (a battle the United States ultimately lost in international arbitration).

Letting others worry about principles and rhetorical effect, Blaine counted votes, plotted election strategies, and used his familiarity with the newspaper business to cozy up to reporters. Using the **patronage** system of political appointment to his best advantage, Blaine built a powerful machine of "Half-Breed" Republicans that rivaled the organization of his personal enemy, Republican **Roscoe Conkling** of New York, leader of the "**Stalwarts**." Blaine was a consummate political insider, central to party politics, but unable to win the popular approval that would carry him to the presidency he wanted so badly.

### *Fall from Power*

Already known as a wheeler and dealer by the early 1870s, Blaine's reputation took a hit with the exposure of the Credit Mobilier **scandal**, which revealed that **railroad** lobbyists had apparently distributed stock to various politicians—including Republican vice president **Schuyler Colfax** and Speaker of the House Blaine—in exchange for favorable legislation. Blaine used his press connections to protest his innocence, reading edited selections from letters between him and a railroad executive about the relevant financial transactions (these letters were known as the "Mulligan letters," after the book-keeper who produced them, James Mulligan). Convincing enough to hang onto the Speakership, Blaine's performance did not change the growing public perception that he was willing to do almost anything to keep himself and his party in power. His stand against Catholic schools was often interpreted as a sop to racist whites; his determination to protect southern black voting looked to many observers like a desire to use the federal army to control the southern polls and guarantee that the Republicans could not lose an election. When, eager to win the presidential nomination that had passed him by in 1876 and

1880, Blaine endorsed the Chinese Restriction movement that had gained popularity in the West, eastern Republicans dismissed him as pandering to labor. Nominated for president by the Republicans in 1884, with infamous spoilsman John A. Logan as second on the ticket, Blaine represented to many the worst of the Republican Party; he seemed to be a corrupt politician willing to do anything to retain power. Blaine himself sought to counter this impression with the first volume of his masterful *Twenty Years of Congress*, a history of the Civil War era that defended Republican policy as the true policy of the country.

In the vicious campaign of 1884, Blaine and Logan ran against Democratic reformer Grover Cleveland. Hit with the publication of the unedited “Mulligan letters,” one of which had an incriminating “Burn this letter” at its conclusion, the Blaine camp responded both with the information that Cleveland had fathered an illegitimate child and with the accusation that Cleveland would enact a Confederate agenda. However, Blaine’s “waving the **bloody shirt**” served only to convince voters that he would do anything to win. Democratic rallies dubbed him “the continental liar from the State of Maine.” Unable to stomach Blaine, reform Republicans bolted the party and endorsed Cleveland. The votes of these “mugwumps” were critical, and Cleveland won the election, becoming the first Democrat to hold the presidency since the Civil War.

Battered by the campaign, Blaine retired to finish the second volume of *Twenty Years of Congress*, which was published in 1886. Refusing to run for office in 1888, he became Republican president-elect Benjamin Harrison’s secretary of state in 1889. Bouts with ill health meant he spent much time away from Washington trying to recuperate, and in 1892, he resigned his post. He died in Washington on January 27, 1893, and was buried in Oak Hill Cemetery. In June 1920, the state of Maine requested his reburial in Augusta, Maine, at the Blaine Memorial Park. *See also* Compromise of 1877; Elections of 1876; Greeley, Horace; House Judiciary Committee; Joint Select Committee on the Conduct of the War; Julian, George Washington; New Departure; Panic of 1873; Redemption; U.S. Army and Reconstruction.

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*Heather Cox Richardson*

### **Blair, Francis P., Jr. (1821–1875)**

A representative and senator from Missouri and a military leader, Francis Preston Blair played a crucial role in keeping Missouri in the Union. As a congressman, he vigorously defended President **Abraham Lincoln**’s early war programs. During the Civil War, he distinguished himself as a divisional and corps commander in several key campaigns.

Francis Preston Blair, Jr.—better known as “Frank” Blair—was born in Lexington, **Kentucky**, on February 19, 1821. His father of the same name (1791–1876), a journalist and politician, was an ardent supporter of Presidents Jackson and Lincoln, and was one of the founders of the Republican Party. Frank’s brother, Montgomery **Blair (1813–1883)**, was a lawyer and politician who defended Dred Scott before the **Supreme Court** in 1857 and served as President Lincoln’s first postmaster general (1861–1864). After the war, in 1866, the Blair family joined the **Democratic Party** in protest against the **Radical Republicans** and their Reconstruction policy.

As a child, Frank Blair attended private schools in Washington, D.C., where his father edited the influential pro-Jackson *Washington Globe*. After attending the University of North Carolina at Chapel Hill, he graduated from the College of New Jersey (now Princeton University) in 1841. After earning a law degree at Transylvania University in Lexington, Kentucky, he was admitted to the bar in Lexington in 1842. He and his brother then moved to St. Louis, Missouri, and commenced legal practice in 1843.

Blair participated in the Mexican War as an enlisted private, serving briefly as attorney general of the New Mexico Territory in 1847. After the war, he returned to St. Louis to resume law practice, but soon entered into politics as a leader of the Missouri Free-Soil movement. In 1848, he founded the *Barnburner*, a Free-Soil newspaper. Although a slave owner himself, Blair opposed slavery on both moral and economic grounds, advocating gradual **emancipation** of blacks. He was a member of the State House of Representatives in 1852–1856 and served as a congressman in 1857–1859, the only Free-Soiler out of the fifteen slave states. He lost his reelection bid in 1858, but returned to Congress as a Republican in 1860, serving his term in 1861–1862.

A firm antisecessionist, Blair campaigned on behalf of the Union during the Civil War. Immediately after **South Carolina** seceded from the Union to found the Confederate States of America, Blair organized the St. Louis chapter of the pro-Union Wide Awakes, a secret paramilitary force. In May 1861, he teamed up with Captain (later Brigadier General) Nathaniel Lyon to remove full arming in the U.S. arsenal in the southern part of St. Louis from the secessionist militiamen at Camp Jackson. The stolen guns and munitions were then transferred across the Mississippi River to Alton, Illinois, under cover of darkness. This action gave the Union cause a vital boost in Missouri, but it also led to the St. Louis Massacre and intensified the intrastate conflict between Unionists and the southern sympathizers.



Francis P. Blair, Jr., c. 1873. (Courtesy of the Library of Congress.)

Blair recruited seven regiments and was commissioned a brigadier general of volunteers in the **U.S. Army** on August 7, 1862. A major general by November 29 of that year, he commanded Missouri troops in the Vicksburg Campaign, winning the praise from Major General **William T. Sherman** for his military success. Blair also led the Fifteenth Corps at the Battle of Chattanooga, which was the turning point in the Civil War, and commanded the Seventeenth Corps in fierce combat during Sherman's march toward Atlanta. After the fall of Atlanta, Blair led his corps in the "March to the Sea," the Civil War's most destructive campaign against civilians.

In 1866, Blair was appointed collector of customs in St. Louis and commissioner of the Pacific **Railroad**. Two years later, he unsuccessfully ran for vice president of the United States as a Democrat with **Horatio Seymour** as his running mate. After working as a member of the State House of Representatives, he was appointed in 1871 to the U.S. Senate to fill the position vacated by the resignation of Charles D. Drake. Blair retained the seat until 1873, when his bid for a full term failed. In 1874, he suffered an unrecoverable paralytic stroke and died on July 9, 1875. He was interred at Bellefontaine Cemetery in St. Louis. In 1899, the state of Missouri donated a statue of Blair—alongside one of Thomas Hart Benton (1782–1858)—to the National Statuary Hall Collection in the U.S. Capitol. *See also* Blair, Francis P., Sr.; Cabinets, Executive.

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*John J. Han*

### **Blair, Francis P., Sr. (1791–1876)**

Patriarch of the powerful Blair family of Missouri, Francis Preston Blair participated in the rise of the Democratic and Republican parties, served as advisor to three presidents, and witnessed the decline of his—and his family's—power and influence.

Born in Abingdon, **Virginia**, Blair moved to **Kentucky** while still quite young. At first attracted to law, he met and married Violet Gist while still in school; the couple had five children, including Montgomery (1813–1883) and Francis Jr. (1821–1875), both of whom became prominent national figures. By the 1820s, Blair had largely abandoned law in favor of journalism and banking. He supported the Henry Clay faction of the National Republicans, but by the end of the decade, he embraced Andrew Jackson and the message of the embryonic **Democratic Party**. Blair's conservatism led him to oppose the tariff, the national bank, and internal improvements, while his understanding of finances, law, and communication made him a national spokesperson for the new party.

Blair moved to Washington with the Jackson administration, and built his estate, "Silver Spring" outside the capital (the genesis of the modern city there). In 1830, he started the *Washington Globe* as the administration's official mouthpiece. Blair was a member of Jackson's unofficial "kitchen cabinet," and helped establish the *Congressional Globe* (now the *Congressional Record*), which reports the debates of Congress.

By the 1850s, as sectional interests and the spread of slavery took center stage, Blair's affiliation with the Democratic Party began to fray. Since the mid-1830s, the family officially hailed from Missouri, when Montgomery moved there to begin his law practice. As a western state, the issue of slavery and westward expansion held more significance for Blair. With the passage of the Kansas-Nebraska Act in 1854, Blair led the charge to create the Missouri Republican Party, and backed the relatively unknown **Abraham Lincoln** in the 1860 election. In the secession crisis of 1861, Missouri—which allowed slavery—teetered on the edge. Blair and his sons played critical roles in keeping the state in the Union, and were rewarded accordingly: Montgomery became postmaster general, Francis Jr. ("Frank") became a Union general, and their father again assumed the role of unofficial advisor to the president.

As the war ground to a close and Lincoln announced his Reconstruction intentions, Blair supported the executive completely. Blair believed the war was to secure the Union and, perhaps, to decide the issue of slavery; those who sought black equality or Confederate retribution were "extremists." Despite his admiration of Lincoln and his sadness at his **assassination**, Blair was not distressed by the rise of **Andrew Johnson** to the presidency.

Blair knew Johnson, as the Tennessean had been in the Senate when Montgomery was in the House of Representatives, plus both sons had dealings with Johnson when he was **military governor** of **Tennessee** during the war. In fact, Johnson rested at Silver Spring after his disastrous vice presidential inauguration speech on March 4, 1865, and both Blair and his son, Montgomery, were witnesses when Johnson was sworn in at the Kirkwood House on April 15.

By the summer of 1865, therefore, Blair found himself the confidant of a third president. As with his other executives, the timing placed him with a man he related to: Both men hailed from slave states, both were staunch Unionists, both were originally Democrats, and both believed the ending of the war had settled the most pertinent issues. Like Lincoln, Johnson approached Reconstruction as reconciliation, a period of transition back to state's rights, a small federal presence, and a white man's society. Blair agreed completely, and his advice ranged from the ridiculous (deporting former slaves to Mexico) to the prophetic (ousting Secretary of State **William Seward** and Secretary of War **Edwin Stanton**, two powerful Republicans). Johnson also often turned to Blair for advice on **patronage** appointments. As **Radical Republicans** grew in numbers and presence, Blair retreated back into the regular Democratic fold and his former conservatism; a vicious cycle developed, for as the president's behavior emboldened the Radicals and alienated Moderates, their responses made many moderate-conservatives become more conservative. Such was the case with Blair and his sons.

During Reconstruction, Blair had three interrelated goals: to help Johnson protect his Reconstruction agenda, help rebuild the northern Democratic Party,

and push the favorite son, Frank, into national greatness (many, in and out of the family, looked toward Frank to become president one day). In 1866, Blair was a driving force behind the **National Union Movement**, and used his considerable political influence to urge moderates to join the new party. Deeply disappointed by the losses in the **elections of 1866**, Blair continued his organizing and tried to rebuild the Democratic Party structure in the North. He allied with New Yorker **Horatio Seymour**, and this led to the selection of Frank as Seymour's running mate for the 1868 election. Ironically, this turn of events did more harm than good. It hurt his relationship with Johnson (who naively sought the nomination), and Frank's lack of discretion with his hostile, venomous attacks on **Congressional Reconstruction** earned the party more enemies than friends.

Blair's hopes collapsed with the victory of **Ulysses S. Grant** and the Republicans in 1868. When Johnson left the White House in March 1869, Blair and his sons found themselves without influence and without position. Dependent over the fate of the Democratic Party and the white South, Blair's greatest regret was more personal: his failure to further promote his son Frank's career. Blair straddled homes in Missouri and Maryland, but after Frank suffered a stroke, the father's health declined as well. Frank never fully recovered, and died from an accident in 1875. The blow caused Blair great mental anguish, and his health deteriorated rapidly; he died the following year, in 1876. *See also* Amnesty Proclamations; Black Suffrage; Blair, Francis P., Jr.; Blair, Montgomery; Cabinets, Executive; Democratic National Convention; Elections of 1864; Elections of 1868; Presidential Reconstruction; U.S. Army and Reconstruction.

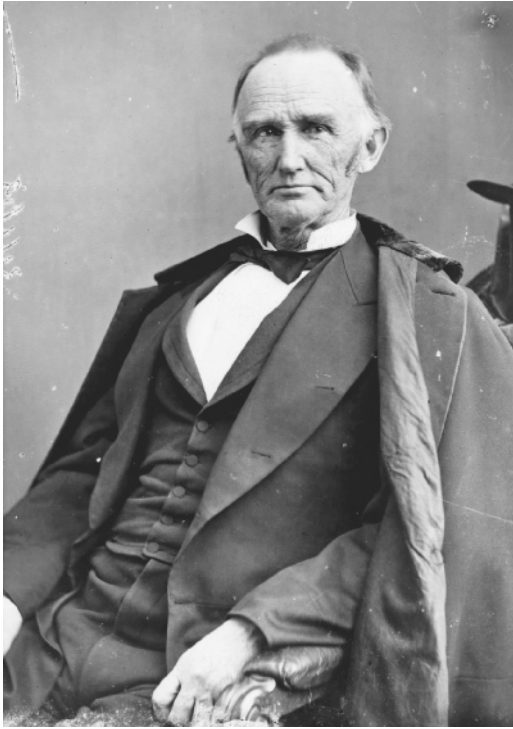
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*Richard Zuczek*

### **Blair, Montgomery (1813–1883)**

Montgomery Blair was born in Franklin County, **Kentucky**, the eldest son of **Francis P. Blair, Sr.**, one of the state's leading political figures and founder of the *Washington Globe*. After graduating from West Point in 1836, Montgomery served as a first lieutenant during the Seminole War in **Florida**, but soon resigned his commission to study law and to work under the tutelage of Thomas Hart Benton, a Democratic senator from Missouri. Blair moved to St. Louis in 1839, where he served as U.S. district attorney for Missouri, mayor of St. Louis, and judge of the Court of Common Pleas during the 1840s.

In 1853, Montgomery relocated to Washington, D.C., where he ran a lucrative law practice and, unwilling to accept the expansion of slavery into the territories, began to support the Republican Party. Blair gained national notoriety in 1857, when he unsuccessfully defended Dred Scott, a Missouri slave who sued for his freedom on the ground that his temporary stay in the free



Montgomery Blair, c. 1877. (Courtesy of the Library of Congress.)

state of Illinois had made him a free man. Following the Dred Scott case, Blair encouraged former Jacksonian Democrats to join the Republican Party.

Blair's pronounced Unionism and family connections paid off when President **Abraham Lincoln** appointed him postmaster general in 1861. As a cabinet member, Blair sided with moderates and attacked **Radical Republicans** like Secretary of the Treasury **Salmon P. Chase** for supporting immediate **emancipation**. In the summer of 1862, he warned Lincoln not to issue the Emancipation Proclamation, fearing that it would drive border-state elements to the South. Blair, under pressure from Radical Republicans, resigned from his cabinet position in 1864.

During Reconstruction, Blair left the Republican Party and supported **Andrew Johnson**, a war Democrat who had become president after Lincoln's **assassination** in April 1865. He, along with his father and brother, **Francis P. ("Frank") Blair, Jr.**, exerted great influence upon the president. They advised Johnson to gain the support of border-state Unionists by not giving in to Radical Republicans' demand for harsher measures against the South. Mont-

gomery, like his father, feared that **black suffrage** would lead to racial amalgamation, and wanted Democrats to use the issue of race, not slavery, as a means of garnering political support. "If we can dispose of the slave question," he reasoned, "we shall have the miscegenationists [his term for anyone favoring black voting] in a party to themselves and can beat them easily." Not surprisingly, Montgomery endorsed Johnson's intention to leave **suffrage** in the hands of southern whites.

Blair remained active in politics during the 1870s. In 1874, he attempted to become the **Democratic Party's** nominee for Congress in the Sixth District of **Maryland** (where he had lived since the late 1850s), but lost because of his associations with the Republicans during the Civil War. He also worked with middle-of-the-road Democrats and Republicans to develop a moderate policy toward the South based on the opposition to **African American** political equality. Blair denounced Republican **Rutherford B. Hayes's** victory in the controversial presidential **election of 1876**, believing that the **Electoral Commission** had legally elected Democrat **Samuel J. Tilden**. Seven years later, Montgomery died at his estate near Silver Spring, Maryland.

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*Bruce E. Stewart*

## Bloody Shirt

Worn with pride by an endless parade of northern politicians, the “bloody shirt” was a rhetorical garment, the inspiring of resentments between North and South for political gain. Republicans used it especially, although occasionally Democrats could use it—and indirectly acknowledged its force whenever they tried to lessen its impact by nominating former Union soldiers for office (which happened regularly, and was one reason why in 1880 the four major parties all chose generals as their standard-bearers). Republican orators like Senator **Oliver P. Morton** of Indiana reminded voters that Democrats had been responsible for the war, or warned them that a change in parties would bring old Confederates back to power, perhaps with the same old designs against the Union. Just after the war, newspapers saw plots by Confederates to build new armies that, working hand in glove with the president, would oust a Republican Congress and install one of their own. Other orators spoke of the atrocities against black former slaves, and Republican voters of both races in the ex-Confederacy, as the “Redeemer” Democrats threatened, whipped, and killed their way toward creating a “Solid South.”

As fears of a renewed Civil War faded, the rhetoric changed: former rebels meant to force the North to pay the rebel war debt or “southern claims,” or to enact a low tariff as their vengeance against the industrial North. No southerner had a chance of being nominated for president—unless from the border South, and then the chance was a slim one. However, this offered Democrats little real protection. Democratic presidential candidate **Horatio Seymour**, who as governor of New York had protested the stretching of the Constitution to win the war, was portrayed as the friend of draft-resisting rioters; editor **Horace Greeley** was shown clasping hands with the ghost of John Wilkes Booth over the grave of Lincoln; and New York reformer **Samuel J. Tilden**, whose wartime record had been noncommittal, was branded “a demurrer filed by the Confederate Congress against the amendments to the Constitution of the United States.” At every election, listeners were urged to vote as they had shot. Veterans organizations like the Boys in Blue marched in Republican parades, to make the point that true loyalty strode to one party’s beat; Democratic White Boys in Blue clubs offered only a pale alternative. Former Union soldiers in the Grand Army of the Republic turned Memorial Day into a celebration of the national struggle and eventually into a national holiday, though in the first years, they used the occasion to remind stay-at-homes of who the enemy was; a guard was put around the Confederate gravesites in Arlington to make sure that no traitor decorated *them*.

Historians long dismissed the bloody shirt as cynical rhetoric, a sucker’s game of capture the flag. They ascribe the phrase itself to that scapegrace Massachusetts congressman, **Benjamin F. Butler**, who supposedly waved the tattered, blood-spattered shirt of a minister flogged by the **Ku Klux Klan** during one debate in 1871. (There is no record of him doing so, and the phrase dates at least back to 1867, when a newspaper took the image from legends about the Presbyterian Scots Covenanters of the seventeenth century.) In fact, as later scholarship emphasized, the blood was very real, and the



fears that the South might rise in war again were sincerely held, sometimes even by reasonable people. Blacks were being killed; the polls in **Alabama** and **Louisiana** were being carried by fraud and **violence**, and “bulldozing,” as this muscling out of the Republican vote was called, created a Democratic South by making real democracy practically impossible. Without strong-arm tactics and manipulation of election laws, many southern states would have gone Republican in the 1880s and 1890s, and quite possibly several close presidential elections would have been easy victories for the Grand Old Party (GOP).

The South had its own bloody shirt, as well. Inventing a history of Reconstruction as base tyranny, describing white southerners as enslaved and under “negro rule,” Democrats would use fictive and distorted memories to undo every challenge to their rule and warn that any lessening of white supremacy’s controls would lead to that perished barbarism. There was no chance of a Union soldier attaining state office in “redeemed” **Tennessee**, and **Kentucky** and Missouri, which never joined the Confederacy, elected a spate of former Confederate governors and senators, in large part because of where they had stood in wartime. No less than in the North, a war record became the easiest way to elected office, and as late as the early 1900s, Jeff Davis, candidate for governor of **Arkansas**, dressed in grey suits with the half-hope that his youth might be overlooked and his name might connect him to Confederate president **Jefferson Davis** himself. (A few voters actually assumed that they were one and the same.) Indeed, the last veteran to hold a seat in Congress died only in 1932—and he was a former Confederate.

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*Mark W. Summers*

## **Bourbons**

The term Bourbons refers to a political group comprised of white southerners, who overthrew their respective state’s Reconstruction governments during the 1870s to reestablish the racial and social hierarchy of the antebellum South. They are also responsible for the **Redemption** movement in the post-Reconstruction South. As such, they are also commonly referred to as Redeemers.

“Bourbons” began as a derogatory term, which opponents used to parallel the reactionary and vengeful spirit of the white southerners and the Bourbon kings of France, who many scholars characterize in the same way. The term was particularly appropriate in the later 1870s, as antebellum families—or those of that same ilk—returned to power across the southern states, mirroring the return to power of the reactionary, conservative Bourbon family following the defeat of Napoleon in 1815. Comprised of southern Democrats, 90 percent of the group’s membership included former Confederate government workers and veterans, but scholars do debate their socioeconomic origins, with some arguing that members represented the antebellum southern

elite, and others that most members were simply hungry economic opportunists interested in bringing industrialization to the **New South**. No matter their origins, the Bourbons were united in purpose. Their core message centered around resurrecting the social hierarchy of the antebellum South and wresting political control from the newly freed slaves and the Republican Party.

The Bourbons' desire to reentrench the South in its antebellum social politics was largely a reaction to the social and political policies implemented by Reconstruction governments. These policies gave former slaves unprecedented political power in the former white hegemony. Outnumbering their white counterparts in some states, **African Americans** became a valuable and influential group in the American political process. The results of the presidential **election of 1868** testify to this fact. **Ulysses S. Grant** only won the popular vote with a little more than 300,000 votes, a slim victory. The black vote comprised approximately 500,000 votes in that election, and it is these votes that are credited as being responsible for Grant's victory.

Recognizing the power of **black suffrage** and the threatening political gains being made by the freedmen and the Republican Party, the white conservative Bourbons sought to regain political control by coercively instituting policies and practices that undermined the social and political gains made possible by Reconstruction policies. Such coercive practices successfully reduced the number of former slaves who voted and registered. The Bourbons passed legislation in their respective states that derailed Republican agendas and eviscerated freedmen's newfound **civil rights**.

The Bourbons also sought to cripple the former slaves by sabotaging their opportunities to become financially independent. The Bourbons enacted legislation to heighten the obligations of black tenant farmers and **sharecroppers** to the white landowners. These political efforts proved successful. The political group quickly garnered local support, and eventually remained in control of their respective southern states until the 1890s. During their two decades of power, they regained political and social control of all of the southern states, held one-third of the seats in Congress, and facilitated the introduction of industrialization into the New South.

Though they achieved many of their objectives, the group was criticized for its attitude toward public services. In **Texas**, for example, free public **education** was ended, and in many other states, state governments insisted that local governments shoulder the burden of paying for public education. The Bourbons' disregard for basic public services had a negative effect on the greater population of the South. In some states, illiteracy rates actually went up as a result of Bourbon policies. Historians and contemporary critics use the Bourbons' neglect of public services as a way to illustrate the group's economic greed. Although they are largely regarded as a political group that stood for the return of a white supremacist hegemony in the South, they are also sometimes regarded as economic opportunists, who simply preyed upon the political disarray of the South after the Civil War, and really only sought to exploit the burgeoning economic opportunities in the region. *See also* Compromise of 1877; Democratic Party; Gun Clubs; Jim Crow Laws; Ku Klux Klan; Labor Systems; Readmission; Red Shirts; Violence; White League.

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*Jennifer Coates*

### **Boutwell, George S. (1818–1905)**

Statesman, lawyer, and memoirist, George Sewall Boutwell distinguished himself with sixty years of political service on local, state, and federal levels. Boutwell's political alliances and practices were strongly aligned with the principles of the **Radical Republicans**, and at times his political views were thought extreme.

Boutwell, the son of a farmer, was born in Brookline, Massachusetts. During his teenage years, he worked in a store in Lunenburg and attended local schools. He took an early interest in politics and gained notoriety as a young man by writing newspaper commentaries that fostered collaboration between antislavery Democrats and Free Soilers. His political organizing helped to end the dominance of the Whig Party in Massachusetts and nurtured the fledgling Republican Party in the state's politics. In 1842, he was elected to the Massachusetts State House of Representatives and served there until he was elected governor of the state in 1850. He was a member of the Republican national convention that nominated **Abraham Lincoln** to the presidency. Shortly after Boutwell was admitted to the bar in 1861, Lincoln appointed him the first commissioner of internal revenue.

#### ***Radical in War and Reconstruction***

In 1863, Boutwell was elected to represent Massachusetts in the U.S. House of Representatives, where he served until 1869. As a congressman, Boutwell became a leader among Radical Republicans, standing alongside more high-profile men such as **Thaddeus Stevens**. Boutwell's commitment to freedmen's **civil rights** and universal **suffrage** compelled him to become one of the primary voices to guide drafts of the **Fourteenth** and **Fifteenth Amendments** to the **U.S. Constitution** and early drafts of plans that would later form the basis of congressional strategies for southern Reconstruction. He was a guiding member of the **House Judiciary Committee**, and in 1867, fearing that President **Andrew Johnson's** policies would lead to the destruction of the U.S. government and once more bring the country to civil war, Boutwell drafted and submitted the first report that attempted to initiate **impeachment** hearings against the president. When impeachment finally came in early 1868, Boutwell briefly served as chairman of the impeachment managers for the trial, before a strategic move gave the position to a more moderate representative, **John A. Bingham**.

#### ***In Grant's Cabinet***

President **Ulysses S. Grant** appointed Boutwell secretary of the treasury in 1869. In this capacity, Boutwell took measures to cut the enormous

postwar debt, but also overhauled the department's collection procedures and personnel. On September 24, 1869—a date referred to by the popular press of the time as “Black Friday”—Boutwell followed orders from President Grant to release \$4 million into the gold market in order to block speculator-conspirators **Jay Gould** and James Fisk from cornering the gold market. Boutwell's unquestioning support for the gold standard later contributed to the temporary demonetization of silver or the “Crime of 1873.” Many businesspeople claimed to have been ruined by the ensuing panic, and these affairs cast the administration in an unfavorable light, as it was thought that the presidential administration could have acted more quickly and decisively. Like many politicians of the time, while Boutwell disliked “corruption,” political expediency moved him to make practical decisions over purely ideological ones.

Boutwell may be best remembered for his chairmanship of the committee that investigated the suppression of **African American** votes in **Mississippi** in the elections of 1875. The brutality of the events outraged Boutwell, whose dedication to universal suffrage persisted even after he failed in bids for reelection. Boutwell's memoirs of his years in office were completed and released in 1902. He died in Groton, Massachusetts, in 1905. *See also* Ames, Adelbert; Cabinets, Executive; Congressional Reconstruction; McCulloch, Hugh; Panic of 1873; Presidential Reconstruction; Scandals; Sherman, John; White League.

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*Michelle LaFrance*

### **Bristow, Benjamin (1832–1896)**

A **Kentucky** Unionist who served as secretary of the treasury in the administration of **Ulysses S. Grant**, Bristow was born in Elkton, Kentucky, the son of Francis Bristow, a prominent lawyer, and his wife, formerly Emily Edwards Helm, a frontier aristocrat. Bristow's paternal grandfather freed his slaves on his deathbed, and his father gradually freed those acquired through his wife. After Bristow graduated from Jefferson College in Canonsburg, Pennsylvania (1851), he studied law in his father's office where he acquired Whig political views that carried over into opposition to secession.

When war came, the Bristows stood firm. The senior Bristows fled to Indiana, while their son responded to a threat of disinheritance from his father-in-law by saying, “you may take your property and go to hell.” By the end of 1861, Bristow was lieutenant colonel of the Twenty-fifth Kentucky. Later, he commanded the Eighth Kentucky Cavalry, a regiment involved in the capture of Confederate John Hunt Morgan.

In August 1863, Bristow was elected to the state senate, where he became active in a party of “Unconditional Unionists,” who reluctantly supported the enlistment of Kentucky blacks and ratification of the **Thirteenth Amendment**.

Bristow and his allies had formed the nucleus of the Republican Party in Kentucky. After the war, Bristow served as assistant U.S. district attorney for Kentucky, advancing to full district attorney. There he established a commendable record in protecting black **civil rights**, prosecuting vigilantes and **Ku Klux Klansmen**. In addition, the upright Bristow took on evaders of taxes on both tobacco and whiskey.

Bristow's appointment as the first solicitor general of the Department of Justice in 1870 reflected Grant administration hopes for more effective law enforcement and recognition of the chronically weak Republican party of Kentucky. Bristow defended the seizure of rebel property under the **Confiscation Acts** and rebuffed assaults on the Thirteenth, **Fourteenth**, and **Fifteenth Amendments**. Unlike other reformers, who called themselves "**Liberal Republicans**," Bristow loyally supported Grant for a second term. With hopes for appointment as attorney general, Bristow resigned as solicitor general in 1872, but George H. Williams obstructed his advancement. Instead, Bristow began a successful and lucrative practice in corporate law. In 1873, Grant nominated Williams as chief justice, Bristow as attorney general. Williams's unsavory reputation torpedoed both nominations.

In need of reform and honesty, Grant appointed Bristow as secretary of the treasury in 1874. Bristow delivered beyond Grant's hopes and his tolerance. Bristow dismissed the corrupt chief of the treasury's secret service, negotiated lower fees for sales of government bonds, pressed **railroads** for repayment of government subsidies, and attempted to control customhouse corruption. Despite evidence of an increase in government revenues and more responsible administration, such policies roused enemies who whispered that Bristow's motives embraced the 1876 Republican presidential nomination.

Bristow's assault on the Whiskey Ring proved the last straw. For many years, corrupt government officials connived at evasion of legitimate federal taxes on whiskey, with proceeds divided between swindlers and the Republican Party. "Let no guilty man escape," wrote Grant before the investigation of St. Louis frauds exposed his personal secretary, Orville E. Babcock. Unwilling to believe in Babcock's guilt, Grant prepared a deposition in his defense that led to Babcock's acquittal. By the time the trial ended, Grant knew that Babcock had betrayed him, and Bristow had embarrassed him. In 1876, Grant used his influence to deny Bristow the presidential nomination. In 1877, President **Rutherford B. Hayes**'s appointment of Bristow's close associate, John Marshall Harlan, to the **Supreme Court** denied Bristow the only appointment he ever wanted.

The remainder of Bristow's long life was an affluent anticlimax. His support of the Democratic presidential candidate in 1884 against the corrupt Republican **James G. Blaine** demonstrated the response of a dedicated Kentucky Unionist far better qualified for the White House. *See also* Enforcement Acts (1870, 1871); Scandals.

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*John Y. Simon*

## Brooks-Baxter War (Arkansas)

This 1874 clash between two contending Republican governors effectively ended Reconstruction in **Arkansas**. Republicans came to power in Arkansas following the adoption of the Constitution of 1868, whose ironclad oath denied the franchise to ex-Confederates. In the first state elections, former Union brigadier general **Powell Clayton** was elected governor. Those styled Conservatives declined to participate in politics, but Democrats organized the paramilitary **Ku Klux Klan** to carry on the fight. In what was called the **Militia War**, Clayton not only survived an assassination attempt but also forced the Klan to back down. Meanwhile, Republicans pursued their agendas of economic development through **railroad** construction and **education** creating both a public school system and a state university.

Clayton had trouble holding the various elements of his party together. Mountain Unionists (“**scalawags**”) were not enthusiastic about higher taxes or railroads they would never see, and blacks felt they had not received enough in the way of **patronage**. In response both to national and state problems of corruption, a group called **Liberal Republicans** challenged the governor. Liberals called for universal amnesty, which meant giving the vote to ex-Confederates. Powell Clayton managed to remove himself from the direct fray by becoming a U.S. senator in 1871, but only after insuring that Ozra A. Hadley would be his handpicked successor. By the time of the gubernatorial election of 1872, Republicans were divided into two camps, both denominated by nicknames. The “Minstrel” faction—so named because Republican editor John G. Price was a former musician—consisted primarily of northern businessmen (“**carpetbaggers**”). Senator Powell Clayton still led this group. The second set of Republicans were called “Brindletails” because their leader, former Methodist minister Joseph Brooks, had a voice that sounded like a brindle-tail bull. Brooks, a passionate supporter of **civil rights** for the former slaves, also endorsed the program of the national Liberal Republican movement by calling for restoring voting rights to ex-Confederates and ending corruption in office.

In the 1872 gubernatorial election, the Minstrels cunningly nominated native Unionist Elisha Baxter of Batesville to oppose carpetbagger Brooks. A Batesville merchant and lawyer before the Civil War, Baxter had thrown his support to the Union when General Samuel Curtis’s army occupied the town in 1862. Forced to flee after Curtis left, Baxter was tracked down in Missouri, brought back to Arkansas, and charged with treason. Little Rock friends engineered his escape, and he then joined the Union army. In 1864, he was rejected by the U.S. Senate along with William M. Fishback when sent to Washington to fill the state’s empty senate seats. Baxter had been quietly laboring as a circuit judge prior to his nomination. Succinctly put by the author of this sketch in an earlier publication, “The November 1872 election was a masterpiece of confusion. That carpetbagger Brooks ran with Democratic support against a scalawag nominated by a party composed almost exclusively of carpetbaggers was enough to bewilder most voters as well as the modern student” (Dougan, 258). After massive voting fraud mostly committed by the Minstrels, Baxter was declared the winner.

Brooks then turned to the courts, but made little headway until March 1874, when Baxter vetoed a railroad bond request, thereby questioning whether any of the railroad grants—the economic centerpiece of Republican Reconstruction—were legal. Senator Clayton then decided that Baxter had to go, and, forming an alliance with Brooks, who agreed to support the bond program, he engineered Baxter's removal. A circuit court judge without warning called up Brooks's long dormant case, and without Baxter's attorney even being present, removed Baxter from office. Chief Justice John McClure, who earlier had sworn in Baxter, then administered the oath to Brooks as governor, and on April 15, Brooks, accompanied by an armed force of about twenty men, seized the state house and expelled Baxter. Baxter soon made the nearby Anthony House (and its famous bar) his headquarters.

Abandoned by most Republicans, Baxter was embraced by his antebellum colleagues, the Democrats. Some Democrats who had earlier supported Brooks continued their allegiance, but most gathered around Baxter. Both sides recruited militias, and **African Americans** were divided as well. Ex-Confederates commanded both forces: General Robert C. Newton for Baxter and General James F. Fagan for Brooks. Baxter proclaimed martial law under his "private seal," and even more important, seized Little Rock's telegraph office. To prevent **violence**, two companies of U.S. infantry were stationed between the contesting parties. Both sides issued calls for volunteers. Generally, the railroad depot was in Brooks's hands; the steamboat landing in Baxter's. Both sides composed songs and fired them at each other. Various individuals, including a large number from the press, were taken into custody by both sides at various times. From Washington, Postmaster General John A. J. Creswell ordered the Little Rock postmaster to deliver Baxter's mail to Baxter and Brooks's mail to Brooks, but to hold all letters addressed to "governor of Arkansas." On April 20, following much marching around by Baxter's forces, an accidental gunshot ignited indiscriminate firing, resulting in the death of Little Rock businessman David F. Shall. Seriously wounded in both legs was newspaperman Dan O'Sullivan, later a noted Chicago drama critic. Federal troops responded by using the fire company's hook and ladder wagons to form a barricade supported by pieces of artillery. To the Baxter party, it appeared that the Brooks forces were being protected by the military, but despite high tensions, no attack followed. No federal intervening forces existed elsewhere, and extensive fighting between the partisans developed around the state, costing perhaps as many as 300 lives, the most violent single episode being the Brooks forces attack on Baxter militia aboard the steamer *Hallie*.

Politically, the state's Washington delegation supported Brooks and urged Grant to recognize that government. Baxter, too, had plenty of political support, especially because of the devious way he had been removed from office. Grant, who had greater problems of this sort in **Louisiana**, hesitated to act, and Baxter responded by suggesting that the legislature resolve the matter.

Grant's equivocal response prompted Baxter then to call the legislature into session in May. Secretary of State James M. Johnson countersigned the order, but the state seal was still in Brooks's possession. Both sides continued to collect soldiers, and the Baxter forces repaired an abandoned Confederate

eight-inch naval colombiad cannon they christened “Lady Baxter.” [This cannon has remained on the grounds of the Old State House (to use the current name) to the present day.] Anxious to prevent the state supreme court from ruling on behalf of Brooks, Baxter supporters stopped the Memphis train and kidnapped judges John E. Bennett and E. J. Searle. Federal authorities began a search for the missing justices, who had been carried off to Benton. An attempt by partisans to hand over the judges to the U.S. military collapsed when Bennett mistook the U.S. soldiers for hostile forces and fled into woods. Only Searle was turned over; Bennett, though, made his way safely to Little Rock.

Meanwhile, legal maneuvering continued. Baxter engaged U. M. Rose, Arkansas’ premiere lawyer and founder of the still prominent Rose law firm. Baxter’s calling the legislature into special session, a move President Grant finally supported and Brooks opposed, set in motion the events that ended the crisis. Implicit in this move was the calling for another convention to write Arkansas a new constitution. On May 13, 1874, the legislature assembled; on May 15, President Grant came down in support of Baxter; and on May 16, Generals Newton and Fagan negotiated an armistice that ended the “war.”

During the summer, the convention wrote the easily adopted Constitution of 1874 that restored voting rights to ex-Confederates and seriously weakened the powers of the governor. Congress, heretofore inactive, now belatedly entered the fray, as Congressman Luke P. Poland and his committee revisited the legal and constitutional issues. Although a majority supported Baxter, President Grant now embraced the minority report. Former lieutenant governor Volney Voltaire Smith then claimed to be the real governor. Newly elected governor Augustus H. Garland proclaimed him a traitor, and Grant, unable at this late date to find meaningful support, relented. After Congress accepted the majority report on March 2, 1875, the end of Republican Reconstruction in Arkansas became final.

Joseph Brooks was paid off by being appointed U.S. postmaster in Little Rock, but died in 1877. Elisha Baxter declined the gubernatorial nomination under the new constitution, hoping instead to get a Senate seat. This never materialized. He died in 1899, and a proposed monument to mark his role in returning Arkansas to the Democrats was never erected.

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*Michael B. Dougan*

### **Brown, Joseph Emerson (1821–1894)**

Joseph Brown, Civil War governor, Reconstruction **scalawag**, and U.S. senator, was born in **South Carolina** on April 15, 1821, to Scotch-Irish parents.



He attended Yale University Law School for one year and began his legal career in Canton, **Georgia**, in 1847, the same year he married Elizabeth Grisham. The couple had eight children.

Elected to the state Senate in 1849, Brown emerged as a Democratic leader. His legislative contacts helped him invest in real estate, mineral rights, and **railroads** that soon made him very wealthy. When the Democratic Convention in 1857 deadlocked over a choice for governor, they nominated Brown. He defeated Benjamin H. Hill, a Know-Nothing candidate, by more than 10,000 votes. A Jacksonian Democrat, Governor Brown refused to give special privileges to banks during the Panic of 1857 and replaced officials of the Western and Atlantic Railroad, the state's richest company, with his cronies. Reelected in 1859, he clamored about the miscegenation that would result if slavery ended. Believing that **Lincoln's** election meant the end of the southern way of life, he urged secession in January 1861.

As the Confederate government formed and the Civil War began, Governor Brown constantly opposed interference by Confederate officials with the Georgia **militia**. Inaugurated for a third term in November 1861, he tried to control the Georgia home front by monitoring troop movements, distributing salt and food, and providing relief for soldiers and their families. Elected for a fourth term in 1863, he tried to bolster state morale as the Yankees approached from **Tennessee**. By the summer of 1864, as the fall of Atlanta neared, Brown denounced the tyranny and incompetence of Confederate president **Jefferson Davis**. In late 1864, as General **William T. Sherman** moved steadily toward the sea, the governor called for a national peace convention to end the war. In February 1865, he furloughed the state militia and awaited his fate as a defeated Confederate governor.

On May 7, 1865, President **Andrew Johnson** ordered the arrest of Governor Brown and seizure of his papers. Incarcerated at Carroll Prison in Washington, D.C., the president pardoned him in September. He journeyed throughout the nation and urged acceptance of the end of slavery and applauded Johnson's moderate Reconstruction policies. Believing that southern whites momentarily must accept their defeat, he urged that blacks be granted legal rights. He favored the **Fourteenth** and **Fifteenth Amendments**. Throughout 1866 and 1867, he effectively lobbied in Washington, D.C. on behalf of Georgia railroads. By 1867, he approved moving the state capital to Atlanta, where he represented scores of prominent businessmen. During Radical Reconstruction, he encouraged conservative whites to accept the inevitable changes that the end of slavery brought and he urged blacks not to push too fast for radical change. By 1868, he openly embraced Republicans and received **patronage** from Republican governor **Rufus Bullock**, including his appointment as the prosecutor in a prominent case of the assassination of a local scalawag. He stumped the state during the 1868 presidential campaign in favor of Republican **Ulysses Grant**. In return for his support, Brown was appointed chief justice of the State Supreme Court in August 1868. As Radicals prohibited Confederates from holding office and elected black legislators, white conservatives seethed. They returned to power in 1870, as Radicals overextended their power through electoral fraud and corruption.

By 1872, many Democrats saw the wisdom of Brown's counsel of momentarily accepting change and they urged him to rejoin the Democratic Party. Supported by *Atlanta Constitution* editor Henry Grady, he replaced Senator John Gordon in the U.S. Senate in May 1880. Serving in Washington until 1890, he continued to control Georgia's railroads and amass an ever larger fortune. He died on November 30, 1898. *See also* Scandals.

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*Randy Finley*

### **Browning, Orville Hickman (1806–1881)**

Orville Hickman Browning, Illinois lawyer and politician, served as secretary of the interior and interim attorney general under **Andrew Johnson**. Born near Cynthiana, **Kentucky**, Browning attended Augusta College in Augusta, Kentucky (1826–1829), but had to leave before graduating because of family financial difficulties. He read law with his uncle, William Brown, in Cynthiana, and after being admitted to the bar in 1831, Browning moved to Quincy, Illinois.

In addition to practicing law, Browning became involved in politics as a Whig. An opponent of costly internal improvement plans, Browning served a term in the state senate (1836–1840) and the state house of representatives (1842–1844). After a vigorous contest in 1843, Browning lost the race for a congressional seat to Democrat Stephen A. Douglas. Browning was later defeated for the same seat by Democrat William A. Richardson in 1850 and 1852.

When the Whig Party died in the early 1850s, Browning, who opposed slavery and its extension into the territories, helped to organize the Republican Party in Illinois in 1856. Although well-acquainted with **Abraham Lincoln** from years of law practice on the circuit, Browning favored Edward Bates of Missouri for the Republican presidential nomination in 1860. However, as an Illinois delegate to the nominating convention, Browning pledged to support Lincoln and campaigned for his election.

Although Browning did not receive any **cabinet** or court appointment from Lincoln, on June 12, 1861, Illinois governor Richard Yates appointed Browning to the U.S. Senate as an interim replacement for the deceased Stephen A. Douglas. Browning voted as a conservative Republican on the various measures before that chamber until January 30, 1863, when he was succeeded by the choice of the Illinois General Assembly, William A. Richardson. After a few months in Quincy, Browning returned to Washington, D.C., as a lawyer and a lobbyist.

After Lincoln's **assassination**, Browning became a strong supporter of Andrew Johnson's Reconstruction policy. Browning favored conciliating the South and opposed extending the **Bureau of Refugees, Freedmen, and**

**Abandoned Lands.** When Secretary of the Interior James Harlan resigned from the cabinet because he disagreed with Johnson's policies, the president nominated Browning as Harlan's replacement in July 1866. Browning helped to plan and also attended the **National Union Party** convention in Philadelphia in August. Browning was one of several who urged Johnson not to make impromptu speeches on his **Swing Around the Circle** in August–September 1866, advice the president ignored.

As secretary of the interior, Browning dealt with land cessions, public lands, the transcontinental **railroad**, pensions, patents, **American Indian** affairs, and **patronage** matters for Indian agencies and land offices. From March 31 to July 20, 1868, Browning also served as interim attorney general when **Henry Stanbery** resigned the office in order to join Johnson's defense team during the **impeachment** crisis.

After Johnson's presidential term ended in March 1869, Browning returned to Quincy. He played a role in the Illinois state **constitutional convention** of 1869–1870, but held no further political offices. Instead he practiced law, frequently representing the Chicago, Burlington, and Quincy Railroad. *See also* Presidential Reconstruction; Republicans, Moderate.

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*Glenna R. Schroeder-Lein*

### **Brownlow, William G. ("Parson") (1805–1877)**

William Gannaway Brownlow, Methodist preacher, Whig newspaper editor, southern Unionist, and Reconstruction governor of **Tennessee**, was born in 1805 in Wythe County, **Virginia**. Orphaned at age eleven, he was subsequently raised by relatives and apprenticed as a carpenter. He experienced conversion at a camp meeting in 1825 and later became a Methodist minister. In 1836, after a decade on the preaching circuit in southern Appalachia, he married, gave up the ministry, and settled in East Tennessee. Drawn to politics and idolizing Henry Clay, Brownlow became editor of a Whig newspaper in Elizabethton in 1839, moved it to Jonesboro two years later, and in 1849 moved it to Knoxville, which became his permanent home.

As a child of poverty and of the semifrontier environment of the early nineteenth-century southern mountain region, Brownlow had little formal schooling. Although he educated himself to a remarkable level of literacy, he could never boast of great learning or refinement; his language and manners reflected the rough culture he grew up in. As a preacher and editor, and later as a politician, his style was no-holds-barred. On the masthead of his newspaper (*The Whig*) was the motto he lived by: "Cry Aloud and Spare Not." He defended his causes and denounced his enemies with great vehemence and sarcastic wit. In his eyes, those enemies were many, including Presbyterians, Baptists, Catholics, Democrats, immigrants, drinkers, **abolitionists**, and

secessionists above all. Many of them responded in kind: During his lifetime, Parson Brownlow (as he was generally known) was often assaulted rhetorically and several times physically. Even his opponents, however, had to admit that the private Brownlow contrasted starkly with the public man, for he was unfailingly kind and generous in his personal relations.

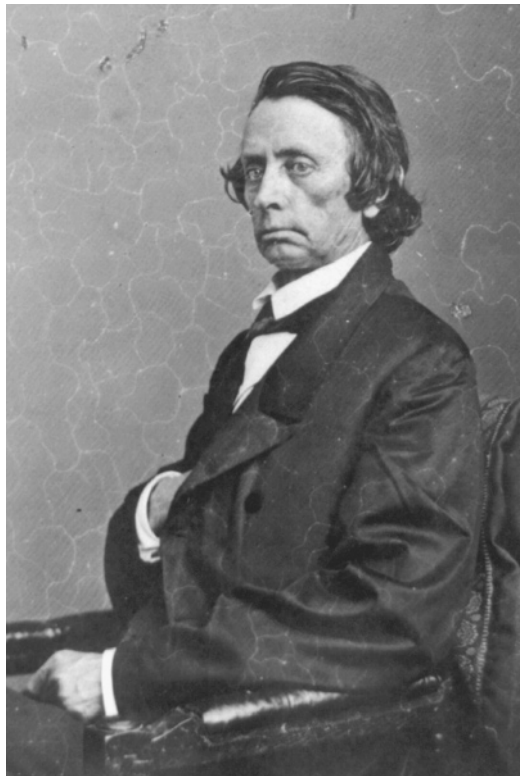
### *Brownlow and the Sectional Crisis*

As the North-South dispute heated up in the 1850s, Brownlow, like most of his fellow southern mountaineers, rejected secession and vowed fidelity to the Union. His Unionism was not based on any antislavery principles, for he was an outspoken defender of slavery. In his view, the sectional troubles had been stirred up by extremists on both sides—scheming, self-interested southern politicians and fanatical northern abolitionists. Through his widely read newspaper, Brownlow gained a reputation as an uncompromising southern loyalist and won a large following.

Like the other states of the Upper South, Tennessee remained predominantly Unionist even after **Abraham Lincoln**'s election to the presidency in 1860, which provoked the Deep South to secede and form the Confederate States of America. With the outbreak of war in April 1861, however, public sentiment in Middle and West Tennessee (where slavery and plantations were more prevalent than in East Tennessee) went over to secession. East Tennessee held firm, however.

Brownlow played a leading role in the Unionist convention held in Greeneville, Tennessee, in June 1861, following Tennessee's secession. The convention petitioned the state legislature to allow East Tennessee to break off as a separate state. The petition got nowhere, but the East Tennessee Unionist movement remained strong and became a thorn in the side of the state and Confederate governments.

Those governments at first tried to conciliate the disaffected East Tennesseans. Brownlow was even permitted to go on publishing his antisecession editorials (the only editor in the Confederacy to do so after the war began). Conciliation failed to win over the Unionists, however, and the authorities cracked down in late 1861. Brownlow's press was seized, and he was imprisoned in Knoxville. Charged with treason but offered leniency if he disavowed his Unionism, he stubbornly refused and prepared stoically for the hanging he expected. The authorities eventually decided to banish rather than hang him, and in March 1862, he was permitted to travel to the North, where he



William G. Brownlow. (Courtesy of the Library of Congress.)

promptly went on the lecture circuit and published a best-selling book about his experiences in the Confederacy.

When a Union army invaded East Tennessee in the fall of 1863, Brownlow returned to Knoxville, reestablished his newspaper, and resumed his anti-Confederate editorial diatribes. He also served as a U.S. Treasury agent and helped raise money for the relief of impoverished Tennessee loyalists. He quickly emerged as a leader of the state's Radical Unionists, who favored dealing harshly with secessionists and abolishing slavery. (Brownlow's about-face on slavery was spurred not by any sympathy for the slaves but by his desire to punish secessionists.) Conservative Unionists took issue with the Radicals on these points but were overpowered politically.

In January 1865, with Tennessee firmly under Union army control, a Radical-dominated Unionist convention met in Nashville and set in motion the state's political restoration. In an election held in March 1865, in which only Unionists could vote, Brownlow was elected governor of Tennessee. He assumed office on April 5, just before the Confederacy collapsed and the war ended.

### ***Brownlow and Reconstruction***

Tennessee had a distinctive Reconstruction experience under the Brownlow administration. As a fully functioning loyalist entity in operation when the war ended, the state government played no part in the **Presidential Reconstruction** program instituted in the late spring of 1865 by **Andrew Johnson**. Moreover, in July 1866, the Tennessee legislature ratified the **Fourteenth Amendment** to the **U.S. Constitution**, whereupon Congress readmitted the state to the Union. Tennessee was the only former Confederate state readmitted before **Congressional Reconstruction** was imposed in 1867, and thus the only one exempted from it.

Brownlow's tenure as governor was controversial from the start. The main point of contention was the franchise. The legislature elected along with Brownlow was solidly Radical, and one of its early actions, taken at the governor's urging, was to deny the vote to all who had supported the Confederacy. The governor was not content with this proscription, however, because it allowed Conservative Unionists (by now reconciled to **emancipation** but still advocating leniency to Confederates) to vote. In the August 1865 Tennessee congressional elections, the Conservatives won four of eight seats, alarming Brownlow. Reacting forcefully but with questionable legality, the governor invalidated enough Conservative votes to give one of those four seats to the Radical candidate. Nevertheless, he remained fearful of Conservative strength. In 1866, the legislature gave Brownlow control over voter registration, which he deviously used to keep many Conservative Unionists as well as ex-Confederates from the ballot box. In early 1867, he made his most controversial move yet, calling for (and securing from his compliant legislature) **black suffrage**, a measure bitterly opposed by Conservative Unionists and ex-Confederates. Brownlow, who remained a devout white supremacist at heart, took this step for purely partisan reasons, knowing that the blacks would vote Radical. Tennessee thus became the first southern state to fully enfranchise black men. That same

month (February 1867), in order to help ensure Radical control of the polling places at election time, the legislature created the State Guard, a **militia** composed of soldiers (black and white) loyal to Brownlow.

These measures assured Brownlow an easy reelection in August 1867 and another Radical-dominated legislature for his second term, but they also alienated many of his followers and provoked fierce resistance from his enemies. By mid-1867, there was widespread **violence** in opposition to Radical rule in Tennessee, notably that carried out by the **Ku Klux Klan**. To counter it, Brownlow mobilized the State Guard and cracked down using state acts that outlawed political terrorism and gave the governor power to impose martial law in unruly districts. Anti-Radical violence continued despite Brownlow's counterattack, although it was insufficient to prevent Tennessee from going Republican in the 1868 presidential election.

### *End of the Brownlow Regime*

As early as 1867, Brownlow had let it be known that he wanted a U.S. Senate seat. In February 1869, when one became vacant, the legislature gave it to him and he resigned the governorship. Not long after he departed for Washington, the Radical party in Tennessee succumbed to factionalism, violence, and election fraud. In the August state elections it was swept from power and Tennessee's Reconstruction period came to an end.

Brownlow, by now in poor health, managed to serve out his term in the Senate but kept a low profile, focusing mainly on securing federal compensation for Tennessee Unionists' wartime losses. He retired to Knoxville in 1875, where he continued to live until his death in 1877.

Few historians have had much good to say about Brownlow's governorship. Certainly his vitriolic rhetoric and uncompromising partisanship were inappropriate for an American political leader, even in the extreme conditions of Reconstruction; and his manipulation of ballots and voter registration was indefensible, to say the least. In addition, although he was personally untainted by corruption, the government Brownlow presided over was riddled with it, especially in connection with state underwriting of **railroad** construction. Nevertheless, his administration did have some laudable achievements: a modernized public school system that provided for black **education**, laws that gave blacks **civil rights** and legal protection, and of course **black suffrage**. Although Brownlow supported most of these measures for less than idealistic reasons (the public education act was an exception), and although all were soon gutted by the "redeemers" after the Radicals' downfall, Brownlow's four-year rule should be remembered as a time of unparalleled progress for black Tennesseans. *See also* Disfranchisement; Scandals.

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*Stephen V. Ash*

### Bruce, Blanche Kelso (1841–1898)

Blanche K. Bruce was a black political leader and the first **African American** to serve a full term in the U.S. Senate. Born a slave in Farmville, **Virginia**, in Prince Edward County, he may have been the son of his owner. He was comparatively well treated as a youngster and was taught to read and write by the same tutor who instructed his master's white son. Bruce was taken briefly to **Mississippi** and then to Missouri where he learned the printing trade. His beneficent treatment notwithstanding, he escaped to Kansas in 1861. He subsequently returned to Missouri and opened a school for black children in Hannibal. He may have attended Oberlin College briefly before becoming a porter on a Mississippi River steamboat.

In 1867, Bruce settled in Mississippi and became active in Republican politics. He served as an election commissioner and then sergeant at arms for the state senate. Well-spoken, charming, and unfailingly courteous, he became a skilled politician with a reputation for moderation that garnered him the respect and support of blacks and whites. He was on compatible terms with many Democrats, including L.Q.C. Lamar. He emerged as Bolivar County's chief power broker, where he served as sheriff, superintendent of education, tax collector, and editor of the Foreyville *Star*. He also acquired a 1,000-acre plantation. In 1873, he declined Republican suggestions that he run for lieutenant governor.

With the support of Governor **Adelbert Ames**, the Mississippi legislature elected Bruce to the U.S. Senate in 1874, and he served from 1875 to 1881. He supported federal aid for **railroads** and opposed the Chinese Exclusion Act of 1878. He called for a more just policy toward **American Indians**. He spoke out in opposition to the exodus of African Americans from the South to Kansas in 1879, and he counseled black people not to fall prey to Back-to-Africa movements. His efforts to gain legislation to reimburse depositors in the bankrupt **Freedmen's Savings Bank** failed. He worked diligently to secure federal **patronage** for Republicans in Mississippi. Although genteel and circumspect, he spoke bluntly and vainly in opposition to white **violence** as Democrats sought to redeem Mississippi in 1875.

Bruce remained in Washington after his term expired. He served as register for the U.S. Treasury from 1881 to 1885 and 1897 to 1898. There was an unsuccessful effort to promote Bruce for a **cabinet** position in the McKinley administration in 1897. By the 1890s, Bruce was a strong advocate for Tuskegee Institute president Booker T. Washington and his benign racial policies.



Blanche Kelso Bruce, c. 1877. (Courtesy of the Library of Congress.)

In 1878, Bruce married Josephine B. Wilson, the daughter of a well-to-do dentist from Cleveland. They had one son. At the time of his death, Bruce was reportedly worth \$100,000. He was buried in Washington, D.C.

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*William C. Hine*

### **Bullock, Rufus B. (1834-1907)**

The only Republican governor of **Georgia** until 2002, New York-born Rufus Brown Bullock’s short political career brought into sharp contrast the complexities facing the South after the war. Bullock’s saga is one of opportunism and opportunity, morality and malignance. Known to many only through the vindictive portrait found in Margaret Mitchell’s *Gone with the Wind*, Bullock was actually a well-intentioned, if egotistical, northern proponent of a **new South**.

Bullock was born in 1834 in Bethlehem, New York, but grew up in Albion. Educated at the Albion Academy, Bullock soaked up the progressive local environment and developed a taste for **abolition** and technological experimentation. By the early 1850s, he had married Rhode Island native Elizabeth Salisbury and moved to Philadelphia to work for the American Telegraph Company. In 1856 or 1857, he moved to Augusta, Georgia, to take advantage of the burgeoning telegraph and **railroad** business developing in the South.

When the secession crisis struck Georgia, Bullock remained a staunch Unionist but was unable to cut ties to his adopted state. He stayed in Georgia when the state seceded, and—perhaps to avoid persecution or a combat assignment—accepted a position in the Confederate army’s quartermaster corps. His technical and business skills made him valuable, and they also made him a lieutenant colonel supervising various railroad and telegraph operations.

#### ***A Yankee Scalawag***

When the war ended, Bullock, like many whites in the South, felt little beyond defeat and dismay. However, the northerner had no deep association with slavery, the Confederate cause, or state’s rights idolatry, so he was able to quickly see opportunity in the mayhem. He was dubious about President **Andrew Johnson**’s rapid restoration program, and his Yankee upbringing questioned the morality and practicality of ignoring the freedpeople’s needs. Bullock was no radical reformer, but he was a progressive thinker, and he calculated that a prosperous new Georgia—and a new South—could rise from the ashes of the Confederacy. Building this new Georgia would require spectacular social, political, and economic changes, and he could not see how former confederates, or Andrew Johnson, would allow this to happen.



Therefore, as congressional Republicans gradually wrestled control of Reconstruction policy from the president, Bullock migrated into politics. Following the passage of the **Military Reconstruction Acts** in 1867, Bullock was elected to serve in the state's **constitutional convention** that convened in December. Along with a liberal new constitution, the convention also proposed another initiative, moving the state capital to Atlanta. The vote on that issue, as well as the state offices and constitution itself, was set for the next spring.

Establishing a new state government would not be easy. In December, General George Gordon Meade became the new Third District commander, and ordered the state to pay the costs associated with the convention. Governor **Charles Jenkins**, elected under Johnson's Reconstruction program, refused to release the funds, and instead removed them and escaped to New York, where he deposited them in a bank. Meade removed Jenkins from office, made General Thomas H. Ruger provisional military governor, and proceeded with the elections in April. Rufus Bullock was the Republican gubernatorial candidate, opposing former Confederate general **John B. Gordon**. Bullock won the close election, but had nary a mandate; because of Republican factions and infighting, control of the legislature was not as clear. Nonetheless, Bullock proceeded to do his duty.

As governor, Bullock saw two priorities: fulfill the necessary requirements for Georgia's **readmission** to the Union, and rebuild the state's shattered economy. He was ultimately successful at both, yet the paths taken were arduous and meandering, with Bullock serving as more or less a martyr to both causes. He quickly embarked on an expansive—and expensive—series of loans and borrowing to begin rebuilding the state's infrastructure and communications network. His business contacts crossed party and regional lines, and brought a great deal of money into the state—money for erecting a new capital city, rebuilding railroads, laying telegraphs, and constructing bridges and canals. These improvements opened the door for other investments, such as for schools and factories. Of course, the money also brought **scandal** and accusations, and certainly there were those who benefited personally from the spending. Margaret Mitchell's prejudiced portrait of Bullock in her novel *Gone with the Wind* pays particular attention to alleged nefarious dealings by the governor, but the momentum he initiated, merging public and private interests into a common progressive venture, far outlived his tenure as governor.

### *Problems of Readmission*

Success with many long-term business enterprises seemed overshadowed by Governor Bullock's problems returning Georgia to the Union. At first, prospects seemed good; the constitution and the **Fourteenth Amendment** were ratified in the April election, and in June, Congress readmitted Georgia to the Union. But the summer witnessed a backlash, with the appearance of **Ku Klux Klan** cells (many tied to John B. Gordon) and a rise in **violence** against black and white Republicans. The 1868 presidential campaign increased tensions, and the inflammatory statements made by Democratic vice presidential nominee **Francis P. Blair Jr.** encouraged opposition to Congress's Reconstruction measures. In September 1868, conservatives and some moderates in

the new legislature joined forces to declare black membership illegal; they nullified the election of twenty-eight **African American** members, and against Bullock's exhortations, expelled the men. Already admitted and now under control of conservatives, the legislature refused to ratify the **Fifteenth Amendment** the following spring.

Sincerely believing in political rights for blacks, and knowing that a hostile legislature would spell doom for his plans, Bullock risked his political and financial fortunes and traveled to Washington to see the new president. Bullock had an unusual request of President Grant—that Georgia be remanded to military supervision, effectively kicked back out of the Union. The Grant administration eventually concurred, and in December 1869, placed Georgia back under military supervision and ordered Third District Commander Alfred Terry to reassemble the original 1868 legislature. In January 1870, Terry and Bullock formed a committee to inspect legislators' credentials, and the general removed many conservatives from the assembly. The following month, Bullock's new legislature ratified the Fifteenth Amendment and reapplied for readmission. In July, Congress readmitted Georgia to the Union, again.

However, Bullock's success was short-lived. Although he had been elected to a four-year term, the legislature only sat for two. So, since this was the 1868 body, new elections were called in December 1870, which resulted in a Democratic victory. Many say that Bullock's gamble—placing the state back under military control—backfired; in any case, the incoming legislature that following autumn was a hostile one.

### *Outcast and Insider: Life after the Governorship*

Even before the incoming legislature convened in November 1871, reports were circulating about plans to impeach Bullock. For reasons no one knows clearly, Bullock decided not to risk the fight. In October, he quietly pulled up stakes and moved the family back north. The democratic legislature met in November, and held a special election in December; conservative James M. Smith was elected governor.

Bullock and his family remained in the North until he was located and arrested in 1876. Despite nebulous charges of malfeasance and chicanery, he returned to Georgia for trial, and was acquitted of any wrongdoing. Strangely, given the circumstances of his departure and his return, Bullock opted to stay in Atlanta. He became one of the city's most prominent citizens, a veritable symbol of the trials, tribulation, and finally the rise of a new Georgia. Bullock became president of the city's first cotton mill, president of a loan company, served on many public and industrial boards, and was twice president of the Atlanta Chamber of Commerce.

In declining health, Bullock and his wife returned to Albion, New York, in 1903, and he died there in 1907. His vision for a new Georgia was only half realized; Atlanta's symbol, the Phoenix, certainly captures the spirit of the city's entrepreneurial success, but unfortunately Georgia's social progress took far longer to materialize. *See also* Akerman, Amos T.; Black Politicians; Congressional Reconstruction; Elections of 1868; Presidential Reconstruction; Provisional Governors; Redemption; U.S. Army and Reconstruction.

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Richard Zuczek

## **Bureau of Refugees, Freedmen, and Abandoned Lands**

The Bureau of Refugees, Freedmen, and Abandoned Lands, commonly known as the Freedmen's Bureau, was a branch of the U.S. War Department created near the end of the Civil War to oversee the South's transition from slavery to freedom. Often considered the first federal social welfare agency in American history, the bureau was involved in a vast array of activities from the Confederate surrender through the end of 1868, when its responsibilities were significantly curtailed, until its June 1872 closing. The Freedmen's Bureau never received the resources sufficient to fulfill its broad mandate, and although it represented an unprecedented expansion of federal authority and involvement in everyday life, it was nonetheless envisioned as a temporary expedient rather than a long-term solution to the challenge of reconstructing southern society. Former slaves viewed the bureau as their main ally in the postwar South, but the bureau confronted the animosity of most white southerners, the opposition of President **Andrew Johnson** and other Democrats, and even the reservations of many of its Republican supporters over increasing federal power. All of these factors undermined the bureau's effectiveness and contributed to its mixed legacy. While the bureau dramatically improved the lives of thousands of freedmen and indigent whites during the immediate postwar years, it could not fulfill all the responsibilities with which it was entrusted, nor could it realize the hopes that freedmen and their advocates had invested in it.

### ***Background and Establishment***

The origins of the Freedmen's Bureau lay in the efforts of the War Department, Treasury Department, and various northern benevolent organizations to address the disruption of southern civilian life during the Civil War. Fugitive slaves who had fled to federal lines—as the Union army gained Confederate territory—required humanitarian aid, as did white southern Unionists driven from their homes. Throughout the Union-held South, thousands of former slaves worked under federally sponsored free-labor arrangements on abandoned and confiscated plantations, while thousands more, especially the families of black soldiers and military laborers, lived and worked within the confines of **contraband** camps, “freedmen's villages,” or “home colonies.” Along the Atlantic coast, in parts of the Upper South, and throughout the Mississippi Valley, federal authorities worked with philanthropic organizations and private individuals to provide relief and assist former slaves in making the transition to freedom.

Even before Union victory was assured, congressional Republicans considered the need for a federal agency to oversee the process of transition throughout the South. In December 1863, a bill calling for a federal “bureau of **emancipation**” was introduced in the U.S. House of Representatives. It passed the following March but stalled in the Senate for a year owing to Democratic charges that the proposed bureau was unconstitutional and to Republican disagreement over whether the agency should be part of the War Department or Treasury Department. Republican senatorial debate reflected ongoing conflicts in the South between officials of these two executive departments over control of abandoned and confiscated plantations and their lucrative crops. Not until early 1865, with Union victory imminent, did Republicans agree to locate the bureau within the War Department. On March 3, Congress passed a bill, which president **Abraham Lincoln** immediately signed, creating the Freedmen’s Bureau.

The 1865 Freedmen’s Bureau bill established within the War Department—for the remainder of the war and for one year thereafter—a “bureau of refugees, freedmen, and abandoned lands” that was charged with the supervision and management of abandoned lands and “the control of all subjects relating to refugees and freedmen from rebel states.” The bureau was to be headed by a commissioner appointed by the president, who was also authorized to appoint up to ten assistant commissioners to head the bureau in the ex-Confederate states. The legislation empowered the secretary of war to issue provisions, clothing, and fuel for the relief of destitute refugees and freedmen. It also authorized the commissioner, under the president’s direction, “to set apart, for the use of loyal refugees and freedmen,” abandoned and confiscated land within the insurrectionary states, stipulating that “every male citizen” could rent up to forty acres of such land for three years with an option to purchase at any time during this period.

### *Commissioner Howard and the Bureau*

The first and only Freedmen’s Bureau commissioner was General **Oliver Otis Howard**, a graduate of Bowdoin College and the U.S. Military Academy at West Point and a distinguished Civil War veteran who had lost his right arm in battle. An avowed Christian, Howard’s missionary zeal and connections to **Freedmen’s Relief Societies** earned him the moniker “Christian General” and, along with his war record, made him a leading candidate for the position. Howard’s first task was to assemble a staff, including members of his Washington, D.C., headquarters as well as assistant commissioners for the southern states. Since Congress made no separate appropriation for the bureau, while also authorizing the detailing of military officers for bureau duty, Howard relied mostly upon army personnel in staffing the bureau. For the original assistant commissioners, he nominated men who had served with him or who had been involved in freedmen’s affairs during the war.

While the racial and political views of individual assistant commissioners and other bureau personnel varied widely, most bureau officials saw themselves as engaged in the mission to remake the South upon a free-labor basis. Given time and guidance, they believed, former slaveholders and freedmen

would come to see the benefits of a **labor system** predicated upon mutual consent and the freedom to **contract** rather than upon coercion. Since most bureau officials hailed from middle-class backgrounds and were well educated, they articulated commonly held northern assumptions about the moral superiority and greater efficiency of voluntary over involuntary labor and about the supremacy of the marketplace. Although prevailing white attitudes on race led most bureau officials to conclude that it would take longer for blacks to internalize the values of the marketplace than it would for whites, many also demonstrated an almost naive belief that freedmen and their former masters would soon overcome slavery's bitter legacy.

The Freedmen's Bureau was involved in a program of social change, but its organizational structure was military in nature. Howard's Washington headquarters initially included an assistant adjutant general, a chief disbursing officer, a chief medical officer, and a head of the Land Division. In 1866, he added a superintendent of **education**, a chief quartermaster, and a head of the Claim Division, which assisted black veterans in filing and collecting claims for bounties, pay, and pensions. The staffs of the assistant commissioners in the states were arranged similarly. Although the administrative structure of the bureau varied from state to state and underwent periodic reorganizations, the states were generally divided into districts and subdistricts and were administered by a hierarchy of officials that included subassistant and assistant subassistant commissioners, civilian and military superintendents, and agents. In addition to drawing upon army personnel, the bureau in several states, especially **Georgia**, employed white southerners—either civilian officials or private citizens—as agents. Nonetheless, the bureau was chronically understaffed. No more than 900 men ever served at any one time, and individual agents were sometimes responsible for thousands of square miles of territory. Frequent turnover of personnel and the unfitness, incompetence, or prejudices of particular agents also hampered the bureau's effectiveness.

### *Freedmen's Bureau Activities*

Because the Freedmen's Bureau had been charged with responsibility for "all subjects" relating to freedmen and refugees, little lay beyond its scope. In establishing a workable system of free labor for the South, bureau agents oversaw the signing of labor contracts between employers and freedmen, ensuring that such contracts were equitable and voluntary. They also mediated labor disputes and saw that freedmen received their due compensation at year's end. They established systems of public health and provided medical care. They supplied transportation to former slaves trying to reunite families or seeking employment. They dispensed aid to those incapable of self-support and furnished temporary relief to the indigent; in fact, more than a quarter of the approximately twenty million rations that the bureau issued went to whites. Bureau agents validated the marriages of former slaves, whose unions had no legal basis, and they were frequently called upon to mediate domestic disputes among members of freed families. Despite the importance of these activities, bureau officials were as much concerned with maintaining the

American tradition of limited government, and with preventing the creation of a permanent class of dependents, as they were with the relief of suffering.

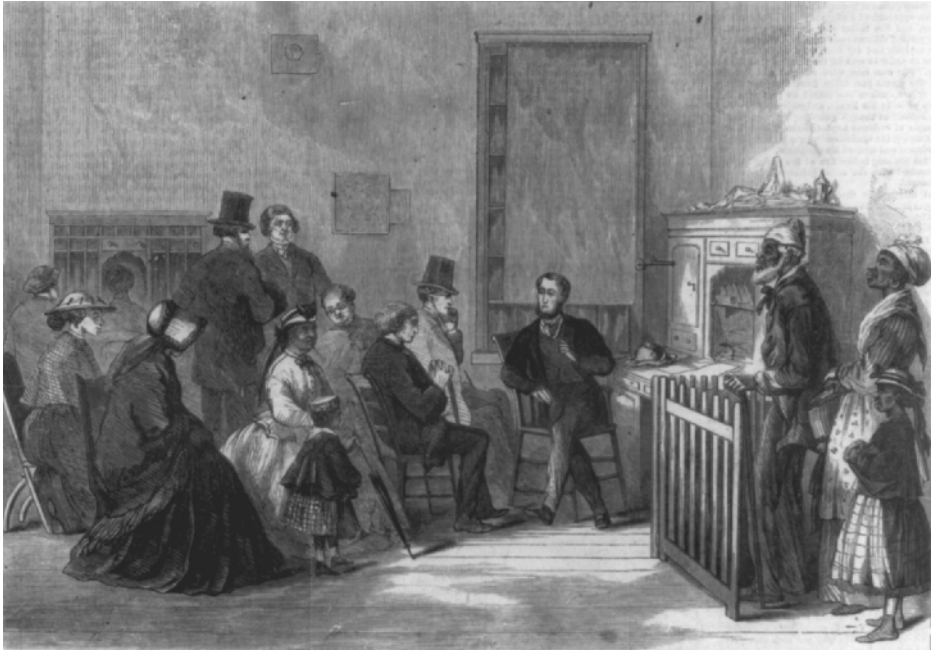
Two particularly important bureau functions involved law enforcement and education. Commissioner Howard and most bureau agents were firmly committed to the principle of equality before the law. Throughout the South, however, freedmen not only found themselves subject to **violence** by whites, but they were also denied redress by the southern state governments created under **Presidential Reconstruction**. In response, the bureau instituted a system of courts that adjudicated all manner of cases and that varied in structure from state to state. Freedmen saw the bureau courts as their only means of securing impartial justice, and Howard estimated that bureau courts annually heard more than 100,000 complaints. Nonetheless, doubts about the constitutionality of military tribunals in the southern states—especially after the U.S. **Supreme Court**'s decision in the 1866 *Milligan* case—caused bureau officials to lessen their reliance on bureau courts and to focus their efforts on securing freedmen justice in civilian courts.

For Howard and many other bureau officials, education was central to the goal of racial uplift. The bureau established and maintained its own system of schools, and it worked in conjunction with the host of missionary societies involved in freedmen's education, especially the **American Missionary Association (AMA)**. Bureau officials were motivated by a combination of paternalism and a genuine commitment to the freedmen's advancement. They and the many white, female teachers sent South by the missionary societies saw it as their duty to teach freedmen basic literacy and to instill in them the values—such as frugality, punctuality, sobriety, and the dignity of labor—essential for competing in the capitalist marketplace. Moreover, education was also seen as part of the larger mission to remake southern society upon the principles of equality before the law and **black suffrage**. By 1869, the bureau administered some 3,000 schools, with a total enrollment of more than 150,000 pupils, and by doing so, it helped lay the foundations of public education in the South, perhaps its most important long-term accomplishment.

Just as the Freedmen's Bureau worked with the AMA and other missionary societies, it was involved with a number of other organizations that, while not officially affiliated with the bureau, also assisted former slaves. Several "normal" (teacher training) schools and universities—such as the Hampton Normal and Industrial Institute at Hampton, Virginia, and Howard University in Washington, D.C. (which was named after the commissioner)—received bureau assistance and established the foundations of the historically black colleges. Some bureau officials also worked with the **Freedman's Savings and Trust Company**, a private savings bank established in 1865 for the benefit of former slaves. In the Barry Farm project, bureau funds were used to purchase a Washington, D.C., farm that was divided into one- or two-acre plots on which small houses were built. The homesteads were then sold on easy terms to some 260 black families.

### *The Bureau and Land*

Perhaps the bureau's most important assignment, and its greatest failure, involved land redistribution. Congress charged the bureau with managing



“A peep at the Freedmen’s Bureau office of Lieut. S. Merrill, Superintendent Third District (15 people in office).” Illustration from *Frank Leslie’s Newspaper*, 1867. (Courtesy of the Library of Congress.)

abandoned and confiscated land in the South, and it directed the president and the commissioner to make such land available to freedmen. Land redistribution was intended, especially by the **Radical Republicans** in Congress, to achieve the larger objective of reconstructing southern society by dismantling the plantation system and providing at least some freedmen with the property that was deemed essential to economic independence. Owing to the wartime abandonment of farms, plantations, and city lots, and to the various confiscation and direct-tax measures enacted by Congress, by war’s end, the federal government controlled some 900,000 acres of land and 5,000 town lots, almost all of which were transferred to the Freedmen’s Bureau. Because the bureau had received no appropriation, Howard intended to use revenue from property sale and rental to subsidize the bureau.

In attempting to undertake land redistribution, Howard and the bureau faced the opposition of Andrew Johnson, whose conservative vision of Reconstruction did not include fundamentally overturning southern society. Johnson especially objected to the bureau’s mandate to make land available to freedmen, and his **amnesty proclamation** of May 1865 restored property rights to pardoned ex-Confederates. During the late spring and early summer of 1865, ex-Confederate landowners petitioned Johnson for **pardons** and for the return of their property, while freedmen refused to surrender land on which they had been working and raising crops. Although the legal status of this land remained uncertain, Howard drafted an order in late July, Circular No. 13, instructing bureau agents not to return abandoned land to former owners, even to those

who had secured presidential pardons. This order was never officially promulgated, but Johnson objected to it and directed Howard in September to issue a second order, Circular No. 15, rescinding the earlier one and specifying that all land still controlled by the bureau be returned to pardoned ex-Confederates. Only the small amount of confiscated land that had already been sold under court decree would not be restored. Johnson further instructed Howard to inform the assistant commissioners to comply strictly with the new circular.

As broad as Circular No. 15 was, it did not apply to land that fell under General **William T. Sherman's Special Field Order No. 15**—a January 1865 directive that had conditionally granted freedmen forty-acre plots along coastal **South Carolina** and Georgia. By mid-1865, some 40,000 freedmen had gained possessory title to almost a half-million acres, and others were flocking to the “Sherman lands” in hopes of receiving what they believed were the promised forty acres. Johnson, however, decided that Circular 15 also applied to this land, and in October, he ordered Howard to oversee personally the restoration of this land and to convince freedmen there to sign labor contracts for 1866. Restoration of the Sherman lands was met by freedmen with much discontent and some resistance, but Johnson's wishes were eventually carried out. Although a small number of freedmen in this and other parts of the South gained land, and although the 1866 Freedmen's Bureau bills attempted to address the plight of dispossessed freedmen on the Sherman lands, the main function of the bureau's Land Division after Circular 15 involved the restoration of property to former owners.

### *The Bureau and the Politics of Reconstruction*

Because the Freedmen's Bureau was entrusted with affecting social change, it inevitably became embroiled in Reconstruction politics. Radical Republicans saw the bureau as the linchpin to remaking southern society. **Moderate Republicans** recognized the need for the bureau but expressed reservations over increasing federal authority. Members of the **Democratic Party**, North and South, likewise objected to the expansion of federal power that the bureau represented. Freedmen regarded the bureau as their ally in fending off white violence and hostile southern state governments. White southerners protested its very existence, and they took special umbrage at being hauled into bureau courts and at bureau agents intervening in labor disputes. Moreover, because the bureau was originally intended to last for only one year after the war, and because of unsettled conditions in the South into 1866, political conflict arose over continuing the bureau's existence.

Having concluded by early 1866 that Johnson's Reconstruction policy required modification, congressional Republicans passed a **Civil Rights Act** and a **Freedmen's Bureau bill** that continued the bureau and expanded its powers. Despite his land restoration policy, and despite his having pressured Howard to relieve several radical assistant commissioners, Johnson had expressed no overt hostility to the bureau, and he was expected to approve the Freedmen's Bureau bill, which had received overwhelming majorities in Congress. Instead, not only did Johnson veto the bill, but he also issued a scathing veto message that condemned the bureau as an unconstitutional expansion of



federal authority. When an attempt to override Johnson failed, congressional Republicans focused on drafting another bill that could survive a veto.

To counter this effort Johnson undertook a number of measures to weaken or undermine the bureau. In April 1866, he officially declared the rebellion ended, casting further doubt on the bureau courts' legality. That same month, he commissioned two conservative army generals, James B. Steedman and Joseph S. Fullerton, to make an official investigation of the bureau that, while ostensibly for the purpose of rooting out corruption and mismanagement, was clearly intended to discredit the bureau and any attempt to extend its life. Nonetheless, in July 1866, Congress enacted legislation over a second veto that continued the bureau for two more years, while another law provided the bureau its first separate appropriation.

### *The End of the Bureau*

With passage of the 1867 **Military Reconstruction Acts**, the bureau lost much of its separate identity to the military districts. The 1868 **readmission** of several southern states resulted in the further relinquishing of many bureau responsibilities to civilian governments. Nonetheless, the bureau had been instrumental in implementing **Congressional Reconstruction**, assisting the process of black political mobilization, and electing Republican candidates. In order to keep the bureau in place through the **elections of 1868**, Congress enacted a law in July 1868 extending it until January 1, 1869, after which date all bureau operations ceased except for the education and claim divisions.

In 1870, educational activities were terminated, and in a June 1872 appropriation bill, Congress discontinued the bureau entirely. Between 1872 and 1879, black veterans' bounty claims and pensions were administered by the Freedmen's branch in the office of the adjutant general. The 1870s also witnessed several **scandals** that clouded the reputations of the bureau and Howard, and provided political ammunition to opponents of governmental assistance to the freedmen. An 1870 congressional investigation uncovered considerable mismanagement and misappropriation of bureau funds, but exonerated Howard. Irregularities surrounding the paying of veterans' bounties led to a military court of inquiry in 1874 that again absolved Howard. That same year the Freedman's Bank failed, a victim of poor oversight and the financial **Panic of 1873**. After the Freedmen's Branch was discontinued in 1879, black Civil War veterans' affairs were administered by the Colored Troops Division in the adjutant general's office. *See also* Abolitionists; Abolition of Slavery; African Americans; Agriculture; Atkinson, Edward; Black Codes; Black Troops (U.S.C.T.) in the Occupied South; Canby, Edward Richard Sprigg; Carpetbaggers; Chase, Salmon Portland; Churches; Civil Rights; Confiscation Acts; Contraband, Slaves as; Davis Bend, Mississippi; De Forest, John William; Delany, Martin R.; Dunn, Oscar James; Eaton, John; Edisto Island, South Carolina; Elections of 1866; Grant, Ulysses S.; Hancock, Winfield Scott; Joint Committee on Reconstruction; Julian, George Washington; Ku Klux Klan; Labor Systems; McCulloch, Hugh; Pope, John M.; Port Royal Experiment; Reynolds, Joseph J.; Saxton, Rufus; Schofield, John M.; Schurz, Carl; Scott, Robert K.; Sharecropping; Sheridan, Philip H.; Sickles, Daniel E.; Southern

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### **Butler, Benjamin Franklin (1818–1893)**

Congressman, federal volunteer general, and Reconstruction commander, Benjamin Butler was born in Deerfield, New Hampshire, and matriculated at Waterville (renamed Colby) College, Waterville, Maine, graduating in 1838. Moving to Massachusetts, he set up a law practice in Lowell. Butler dabbled in the **militia**, but politics became his passion. As a Democrat, he was elected to the state house and the state senate in the 1850s. He served as a delegate to the **Democratic Party's** national convention in 1860, endorsing the nomination of a southern slave owner, **Jefferson Davis** of **Mississippi**. Devoted to the Union, Butler sought a high command in the federal volunteer army when the Civil War began. Based on the policy of President **Abraham Lincoln**, who wanted support for the war across party lines, Butler gained the president's appointment as a volunteer major general in 1861. His appointment as a volunteer general began a transition, taking Butler from the Democrats to the Republicans in the next four years.

Throughout the war, Butler held a series of assignments, most relating more to politics than to combat. After an initial posting in Baltimore, **Maryland**, Butler was sent to the coast of **Virginia** and at Fort Monroe he enunciated an important policy. Declaring slaves to be **contraband** of war—property to be confiscated—Butler intensified the debate over slavery and provided a way to strip Confederates of their slaves. The nickname “contrabands” became a common phrase for confiscated or escaped slaves. In 1861, Butler led Union forces in two engagements—Big Bethel, Virginia, in June and Hatteras Inlet, **North Carolina**, in August—the first a defeat but the second a handsome victory (won by the navy) that boosted his recognition. This led to his most important assignment of the war—commanding the army expedition intended to occupy New Orleans and to begin Reconstruction in **Louisiana**.

Following in the wake of the victory by Flag Officer David G. Farragut's naval squadron over Confederate forts and ships, Butler's army of 10,000 soldiers occupied New Orleans in May 1862. Southern sensibilities were tender, but the general was determined to reestablish Louisiana's ties with the



“Bluebeard of New Orleans.” A caricature of Benjamin Franklin Butler’s behavior as military governor of New Orleans, May–December 1862. (Courtesy of the Library of Congress.)

Union and replace Confederate with federal governance. Symbols were important in this transition. Butler would not abide civilians insulting his soldiers or the U.S. flag, ordering the execution of William Mumford, a local gambler who had torn the flag from atop a federal building. Furthermore, Butler ordered that any woman who insulted Union soldiers would be arrested and treated as a prostitute—the infamous “woman order.” The general also got into a contretemps with consuls posted in New Orleans to represent other nations, due to their supporting or appearing to side with the Confederacy. Confederate president Jefferson Davis and others condemned Butler and his actions, but any general reinstating federal authority would have met with criticism and opposition. That Butler’s policies of Reconstruction were stern and not gentle intensified the shrillness of southerners’ criticism. Louisians and political opponents added to the volatile situation by accusing the general and his brother, Andrew, of various illegalities, including trading with Confederates as well as stealing personal belongings, including silverware. None of the charges were proven against the general, but the accusations cast a shadow over his time in New Orleans.

Controversies almost canceled out Butler’s social, economic, and political accomplishments related to this early phase of Reconstruction.

Confederates and some northerners (including fellow Democrats) castigated Butler for his policies, even the ones necessary if Louisiana would be restored to the Union. Meanwhile, the general took steps to clean up the city streets and reduce diseases. He inaugurated programs to feed the destitute and replaced Confederate currency with federal money in business and government transactions. He shut down pro-Confederate newspapers and supervised all **churches**, closing some houses of worship until their ministers no longer used their pulpits to deliver pro-Confederate sermons. Butler replaced pro-Confederate politicians with pro-Union office holders, including the mayor of New Orleans. Everyone appearing in federal courts was required to swear loyalty to the Union. Many southerners and northerners thought that Butler appeared to shift to the Radical Republicans because the general considered how former slaves could be allowed to serve in Union military units. The general arranged Louisiana’s first electoral steps under federal control, including elections for seats in Congress, won by Michael Hahn and Benjamin Flanders, both longtime Louisiana residents now supporting the Republican Party.

Recognizing that pressure had built up against Butler due to the general's many controversies, President Lincoln reassigned him in December 1862. Replacing Butler was Major General **Nathaniel P. Banks**, another Massachusetts politician holding a volunteer general's commission. Subsequently, Butler remained controversial, militarily and politically. He commanded the Army of the James in 1864 in a campaign near Richmond, where he lacked aggressiveness and declined to bring pressure against Confederate defenses.

After the war, Butler was elected to four terms in Congress as a Republican. In 1882, he switched back to the Democrats to be elected governor of Massachusetts.

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*Joseph G. Dawson III*



# C

## Cabinets, Executive

The cabinet members of each of the four Reconstruction presidents—**Abraham Lincoln, Andrew Johnson, Ulysses S. Grant, and Rutherford B. Hayes**—assisted the president with developing and carrying out Reconstruction policy.

Lincoln chose his cabinet members primarily from among the Republican Party leadership, especially his greatest political rivals. He tried to balance party factions by including both former Whigs and former Democrats from a variety of geographical locations.

### *Lincoln's Cabinet*

*Secretary of State:* **William H. Seward** (1861-1865)

*Secretary of the Treasury:* **Salmon P. Chase** (1861-1864); **William P. Fessenden** (1864-1865); **Hugh McCulloch** (1865)

*Secretary of War:* Simon Cameron (1861-1862); **Edwin M. Stanton** (1862-1865)

*Secretary of the Navy:* **Gideon Welles** (1861-1865)

*Attorney General:* Edward Bates (1861-1864); James Speed (1864-1865)

*Secretary of the Interior:* Caleb B. Smith (1861-1863); John P. Usher (1863-1865)

*Postmaster General:* **Montgomery Blair** (1861-1864); William Dennison (1864-1865)

When Andrew Johnson suddenly assumed the presidency upon Lincoln's **assassination**, Johnson decided to retain Lincoln's cabinet. However, due to political disagreements, several cabinet members eventually resigned. Johnson's **impeachment** resulted from his attempts to remove Edwin M. Stanton, who refused to resign.

***Johnson's Cabinet***

*Secretary of State:* William H. Seward (1865–1869)

*Secretary of the Treasury:* Hugh McCulloch (1865–1869)

*Secretary of War:* Edwin M. Stanton (1865–1868); Ulysses S. Grant (1867–1868);  
**Lorenzo Thomas** (1868); **John M. Schofield** (1868–1869)

*Secretary of the Navy:* Gideon Welles (1865–1869)

*Attorney General:* James Speed (1865–1866); **Henry Stanbery** (1866–1868);  
**Orville H. Browning** (1868); William M. Evarts (1868–1869)

*Secretary of the Interior:* John P. Usher (1865); James Harlan (1865–1866);  
Orville H. Browning (1866–1869)

*Postmaster General:* William Dennison (1865–1866); Alexander W. Randall  
(1866–1869)

Ulysses S. Grant tended to choose friends and acquaintances for cabinet posts, many of whom had little qualification for the position. A number of the appointees became involved in corruption and **scandals**, resulting in a considerable turnover of officeholders.

***Grant's Cabinet***

*Secretary of State:* Elihu B. Washburne (1869); **Hamilton Fish** (1869–1877)

*Secretary of the Treasury:* **George S. Boutwell** (1869–1873); William A. Richardson (1873–1874); **Benjamin H. Bristow** (1874–1876); Lot M. Morrill (1876–1877)

*Secretary of War:* John A. Rawlins (1869); **William T. Sherman** (1869); William W. Belknap (1869–1876); Alphonso Taft (1876); James D. Cameron (1876–1877)

*Secretary of the Navy:* Adolph E. Bone (1869); George M. Robeson (1869–1877)

*Attorney General:* Ebenezer R. Hoar (1869–1870); **Amos T. Akerman** (1870–1871); George H. Williams (1871–1875); Edwards Pierrepont (1875–1876); Alphonso Taft (1876–1877)

*Secretary of the Interior:* **Jacob D. Cox** (1869–1870); Columbus Delano (1870–1875); **Zachariah Chandler** (1875–1877)

*Postmaster General:* John A. J. Creswell (1869–1874); James W. Marshall (1874); Marshall Jewell (1874–1876); James N. Tyner (1876–1877)

Rutherford B. Hayes determined to be independent in his cabinet choices and not to include either members of the previous administration or his rivals for the presidency. This stance offended leaders of the Republican Party factions, but Hayes's cabinet is considered the strongest of the late nineteenth century.

***Hayes's Cabinet***

*Secretary of State:* Hamilton Fish (1877); William M. Evarts (1877–1881)

*Secretary of the Treasury:* **John Sherman** (1877–1881)

*Secretary of War:* George W. McCrary (1877–1879); Alexander Ramsey (1879–1881)

*Secretary of the Navy:* Richard W. Thompson (1877–1881); Nathan Goff, Jr. (1881)

*Attorney General:* Charles Devens (1877–1881)

*Secretary of the Interior:* **Carl Schurz** (1877–1881)

*Postmaster General:* David M. Key (1877–1880); Horace Maynard (1880–1881)

*Glenna R. Schroeder-Lein*

### **Cain, Richard Harvey (1825–1887)**

Richard Harvey Cain was a black **abolitionist**, minister, editor, Republican state senator, and congressman from **South Carolina**. Born free in Greenbriar County, **Virginia**, Cain grew up in Ohio to become an African Methodist Episcopal (A.M.E.) minister in the Midwest. Between 1859 and 1861, he attended Wilberforce University in Ohio before relocating to a church in Brooklyn for the duration of the Civil War. As an abolitionist, Cain worked with prominent leaders such as **Frederick Douglass** and **Martin R. Delany**. He collaborated with Delany through the African Colonization Society to promote emigration to Africa in the late 1850s. Once the Civil War began, Reverend Cain and the African Civilization Society focused on domestic matters such as **freedmen's relief** and promoting literacy among black soldiers. In 1864, as the organization's assistant superintendent of **education**, Cain established freedmen's schools in Washington, D.C.

In May 1865, Reverend Cain was transferred to Charleston, South Carolina, as superintendent of the A.M.E. Church missionary activities there. Through his efforts, the A.M.E. Church became the largest black Methodist denomination in the state by 1877. Cain deemed the spread of African Methodism especially important because as a racial enterprise, it gave blacks control of their religious lives for the first time and because its representatives were inculcating the values among the former slaves, which would secure the future success of the race. In 1866, Cain purchased a Republican newspaper, the *South Carolina Leader*, to become editor of the state's first black newspaper. Renamed the *Missionary Record*, Cain's newspaper covered a variety of topics including religion and contemporary affairs; his became a clarion voice promoting freedmen's interests.

Reverend Cain is often considered the consummate preacher-politician. He participated in the November 1865 Colored Peoples Convention in Charleston, where blacks protested against racial strictures in the 1865 South Carolina Constitution and demanded equal civic rights. In early 1867, Cain was a founder of the state Republican Party and was elected a delegate to the 1868 state **constitutional convention**. He persuaded that body to reject efforts to restrict the franchise by **poll taxes** or educational requirements. He led an effort to secure a loan from the **Bureau of Refugees, Freedmen, and Abandoned Lands** (Freedmen's Bureau) to be used by the state to assist freedmen to acquire land. When Congress proved unsympathetic, Cain's efforts led the constitutional convention to provide for creation of a state land commission to assist small farmers and the landless to acquire realty in small plots. South Carolina was the only state to create such an agency, and Cain later served as one of its members. Reverend Cain served a term in the state senate (1868–1870) and two terms in Congress (1873–1875 and 1877–1879).



In state politics, he was a frequent critic of corruption among Republicans. As a state senator, Cain was initially skeptical about the efficacy of laws to end discrimination in public places but as a congressman, he proved a staunch supporter of the **Civil Rights Act of 1875**, the nation's first federal public accommodations law.

After Reconstruction, Reverend Cain encouraged black Carolinians to seek a future in Africa and he assumed a leadership role in the Liberian Exodus Movement 1877–1878, based in Charleston. In 1880, he was elected an A.M.E. bishop with responsibility for **Louisiana** and **Texas**, where he founded Paul Quinn College. He died on January 18, 1887, in Washington, D.C.

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*Bernard E. Powers, Jr.*

### **Canby, Edward Richard Sprigg (1817–1873)**

A professional army officer, Edward Canby was one of the most important army commanders during postwar Reconstruction, serving in three districts during the 1860s and 1870s. Canby was born in Piatt's Landing, **Kentucky**, but his family moved to Crawfordsville, Indiana, where he attended Wabash College before transferring to the U.S. Military Academy. Graduating in 1839, Canby ranked only thirtieth of thirty-one cadets. He served on the frontier and in the Mexican War prior to the Civil War.

In the Civil War, Canby's command of federal troops in New Mexico held the territory for the Union and his victory at Glorieta Pass in March 1862 blocked Confederate expansion toward California. The campaign earned Canby promotion to brigadier general. In July 1863, he supervised troops in putting down the controversial draft riots in New York City. Following promotion to major general, Canby directed a campaign in **Alabama**, leading federal forces that captured the port of Mobile and the state capital of Montgomery by April 1865.

After the war, Canby ranked ninth on the list of only ten brigadier generals in the regular army in July 1866. Unlike some leading federal generals, such as Republicans **John Pope** and **Philip H. Sheridan** or Democrats George G. Meade and **Winfield S. Hancock**, Canby displayed no identifiable political leanings. Most northern and southern politicians acknowledged that he was fair-minded.

Starting out in **Louisiana** in 1866, Canby irritated Sheridan, who sought more ideological officers. In August 1867, on orders of President **Andrew Johnson**, Canby replaced General **Daniel Sickles** in command of the Second Military District (**North Carolina** and **South Carolina**). Suffering from no

visible ill effects on his career by serving in **Louisiana**, Canby scrupulously adhered to the terms of the congressional **Military Reconstruction Acts**, causing North Carolina governor **Jonathan Worth** to condemn him for establishing a “military despotism.” Canby ordered army officers to register black men to vote and supervised an election in the Second District. Obtaining fair trials was difficult for blacks, and therefore the general ordered some cases handed to military judges. Canby also served simultaneously as assistant commissioner of the Freedmen’s Bureau for the Second Military District, encouraging the bureau’s agents, active duty and former army officers, to provide assistance to blacks. Furthermore, he required that black men serve on juries. Former Confederates grew more distressed when Canby used his authority under the Reconstruction Acts to remove civil officials whom he considered “impediments to Reconstruction,” including city councilmen and mayors in Charleston and Columbia, South Carolina. The general replaced some of those officials with **African Americans**. In elections held under Canby’s supervision, voters in the Carolinas approved new state constitutions, elected state officeholders, including legislators and governors, and ratified the **Fourteenth Amendment** to the **U.S. Constitution**. All of these accomplishments were carried out with minor problems and little **violence**. Fulfilling these steps enabled Congress to declare that North Carolina and South Carolina were readmitted to the Union in June 1868, terminating the existence of the Second Military District. Canby and the army had fulfilled a difficult and nearly thankless task in an exemplary fashion.

In November, President Johnson called on Canby again, posting him to **Texas**, where Canby removed a few state officials who he deemed “impediments to Reconstruction” and carefully oversaw the steps leading to the **election of 1868** when the voters ratified the new state constitution giving African American men the right to vote. While some Democrats criticized Canby, most observers believed that he had been fair to both parties in Texas. Soon after **Ulysses S. Grant** took the oath as president, he ordered Canby to California, where the general was killed by Modoc Indians in April 1873. *See also* Bureau of Refugees, Freedmen, and Abandoned Lands; Readmission.

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*Joseph G. Dawson III*

### **Cardoza, Francis L. (1837–1903)**

Francis L. Cardoza was a black minister, educator, Republican secretary of state, and state treasurer in Reconstruction **South Carolina**. Born free in Charleston to a wealthy Jewish merchant and a free black woman, as a youth, Cardoza was trained as a carpenter and attended private schools for free blacks. In 1858, he enrolled at the University of Glasgow to pursue a

ministerial **education**. Graduating with a distinguished record for classical scholarship, he subsequently studied in Presbyterian seminaries in London and Edinburgh. In 1864, he returned to the United States, was ordained a congregational minister, and accepted a pastorate in New Haven, Connecticut. Cardoza represented Hartford as a delegate to the 1864 Syracuse, New York, National Convention of Colored Men, convened to promote the civic and social interests of black Americans. In June 1865, Cardoza accepted a position with the **American Missionary Association (AMA)**, which was promoting freedmen's education. He returned to Charleston to become founding principal of the Avery Normal Institute, a prestigious private school for black Charlestonians. Under Cardoza's leadership, which continued until 1868, Avery developed a classical curriculum and produced students who pursued careers as teachers and in other professions.

The political character of freedmen's education during Reconstruction drew Francis Cardoza into the political arena. In November 1865, he participated in the Colored Peoples Convention of South Carolina in Charleston, to protest the discriminatory South Carolina Constitution of 1865 and to demand equal educational and political rights. In March 1867, Cardoza helped found the state Republican Party and subsequently served in party leadership roles and as president of the **Union League**. He was later elected to the **Constitutional Convention** of 1868, serving as chairman of the education committee. In that

capacity, he oversaw provisions creating the state's first publicly financed statewide school system. When educational and **poll tax** qualifications were proposed for the franchise, Cardoza vociferously opposed such measures until they were defeated. In April 1868, he was elected secretary of state to become the first black elected to statewide office in South Carolina. In 1872, he was elected state treasurer and held the position until 1877. During Reconstruction, Cardoza's actions established his reputation as a conservative reform-minded politician. Rather than tolerate corruption on the state land commission, he resigned from its advisory board. As secretary of state, he investigated widespread mismanagement at the land commission and reorganized this agency to establish a reputation for efficient and honest operations. As state treasurer, he garnered a reputation for fiscal integrity and on one occasion so offended a group of legislators that some initiated impeachment proceedings against him. The attempt was thwarted by a coalition of reform Republicans and Democrats in the legislature. Cardoza was the staunch ally and close advisor to **Daniel Chamberlain**, the reform Republican governor elected in 1872. In 1874 for example, Cardoza cooperated with



Francis L. Cardoza, c. 1877. (Courtesy of the Library of Congress.)

Governor Chamberlain, independent Republicans, and Democrats to prevent the election of **William Whipper** as a circuit court judge because of the legislator's reputation for corruption.

Despite Republican reformers' best efforts, the **Compromise of 1877** abruptly ended Reconstruction in South Carolina. In the Redeemers' politically motivated campaign against Reconstruction-era officials, ironically Cardoza was convicted of corruption while treasurer. He was subsequently pardoned in 1879. After Reconstruction, Francis Cardoza lived out his life in Washington, D.C., working for the Treasury Department and as a high school principal. He died on July 22, 1903.

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*Bernard E. Powers, Jr.*

## Carpetchaggers

"Carpetchagger" was a pejorative epithet applied to white northerners who moved South during or shortly after the Civil War and became Republicans. The term first appeared in **Alabama** newspapers in late 1867, and by mid-1868 was coming into general usage throughout the country. The epithet was vital in the white South's morality play version of Reconstruction. This sordid melodrama depicted carpetchaggers as the dregs of northern society, swarming the South like hungry locusts after Appomattox, their meager belongings stuffed in woolen carpetchags. Corrupt and vindictive, these loathsome adventurers established "Negro-Carpetchag rule," robbing virtuous whites, looting public treasuries, and sowing decades of racial discord. This hoary legend has long since been debunked by professional historians; still, it remains embedded in popular culture, in large part due to Hollywood films such as *Birth of a Nation* (1915) and *Gone with the Wind* (1939).

While some carpetchaggers were corrupt, as a group they were no more venal than their Democratic enemies or politicians in other parts of the country. Carpetchaggers such as **Mississippi** governor **Adelbert Ames** and **South Carolina** governor **Daniel H. Chamberlain** earned reputations for honesty. In **North Carolina**, even Judge **Albion W. Tourgée's** Democratic enemies conceded that the jurist from Ohio was fair, honest, and able. On the other hand, George E. Spencer, U.S. senator from Alabama, and **Louisiana** governor **Henry Clay Warmoth** had shady reputations. Spencer's alleged misdeeds consisted mainly of liberal cash donations to Alabama lawmakers,

combined with job favors and ample free food and drink, widespread practices in Gilded Age America. As to Warmoth, "I don't pretend to be honest," he said. "I only pretend to be as honest as *anybody in politics*." Louisiana was a notoriously corrupt state, and Warmoth at least was no hypocrite. On the one hand, he observed, wealthy New Orleans Democrats tirelessly complained about corrupt lawmakers while, on the other hand, buying their votes at every opportunity. (Although his enemies never admitted it, Louisiana's other carpetbag governor, **William Pitt Kellogg**, was an honest man.)

In the main, the carpetbaggers' real story stands "Tragic Era" legend on its head. Most northern migrants in the postwar South were young men in their twenties and thirties who had served in the Union army during the Civil War, many as officers in the U.S. Colored Troops. The great majority settled in the South before **Congressional Reconstruction**, with little thought of political careers. They came as cotton planters, businessmen, lawyers, physicians, Freedmen's Bureau agents, treasury officials, and so on. They were well educated, many with college backgrounds. They relocated in the South in search of opportunity, bringing with them, as a rule, scarce capital and business know-how. At first, most southern whites welcomed their arrival, recognizing the region's need for talent and capital. Significantly, northerner newcomers who joined the southern **Democratic Party** were not called carpetbaggers. The word carpetbagger, like the word **scalawag**, is basic to the lexicon of the era, but modern historians use it neutrally.

Most carpetbaggers settled in plantation districts with large black populations and few scalawags. After the enfranchisement of southern blacks under **Congressional Reconstruction**, the northerners' **education**, experience as soldiers (especially leading **black troops**), service in the Freedmen's Bureau, and general concern for improving freedmen's lives marked them as natural leaders of black-belt Republicans. Though they numbered no more than a few hundred active men in any state, between 1867 and 1877 carpetbaggers held public offices of every description in the eleven states of the former Confederacy. They comprised about one-sixth of the delegates in the **constitutional conventions** of 1867-1869; hundreds more served as state legislators, judges, sheriffs, and in other state and county offices; still others held key posts in federal post offices and customhouses and served as U.S. marshals. Overall, carpetbaggers held about one-fourth of public offices in most of the Reconstruction states; in Louisiana, **Arkansas**, and **Florida**, the northerners held a third or more of public offices. Ten governors were carpetbaggers; indeed, the northerners largely dominated the executive office in Louisiana, Mississippi, Arkansas, South Carolina, and Florida. Seventeen carpetbaggers served in the U.S. Senate and forty-four in the U.S. House of Representatives.

As a group, carpetbaggers were practical men of affairs who combined self-interest with reform. Inspired by northern state constitutions and legal codes, they were a modernizing, progressive influence in the southern states. They helped establish state-supported free public schools and pushed the creation of penitentiaries, insane asylums, and other public institutions. They promoted **railroads**, canals, and harbor clearance. They helped rid the South of whipping posts, imprisonment for debt, and other outdated, inhumane



Caricature of Carl Schurz carrying bags labeled “carpet bag” and “carpet bagger South,” 1872. (Courtesy of the Library of Congress.)

practices. They backed liberalized divorce laws and separate property rights for married women. Above all, they supported basic civil and political rights for blacks. While only a minority truly accepted blacks as equals, far more than most white Americans, carpetbaggers accorded blacks respect, dignity, and legal protection.

The carpetbaggers’ moment was brief. With their Republican allies, blacks and scalawags, they battled enemies who challenged their very political existence. Viewing a party based on black votes as illegitimate, southern Democrats sought not merely to vote Republicans from office; they sought to destroy the Republican Party and expunge it from the polity. To this end, they freely employed fraud, assassination, and mass murder. In 1874–1876, white liners (conservative southern whites who drew a “line” between whites and blacks) terrorized carpetbaggers, scalawags, and blacks (the chief victims) in the Deep South. In one particularly egregious case, the **White League** murdered six carpetbaggers in Red River Parish, Louisiana—four of the victims were members of the Twitchell family from Vermont. Although shot six times, the head of the family, **Marshall H. Twitchell**, survived after the amputation of both arms.

In overwhelming degree, moreover, Democrats controlled the private wealth of the southern states—the plantations, banks, and businesses—and

employed that economic power against the radical party. Whites also ostracized carpetbaggers socially. Faced with unyielding opposition—political, economic, and social—neither the carpetbaggers nor the allies managed to mold a political culture that stressed Republican unity. In the 1870s, the surviving Republican regimes splintered into factions pitting scalawags against carpetbaggers, blacks against whites, and carpetbaggers against carpetbaggers. In Louisiana and Arkansas, this internecine feuding bordered on opéra bouffe, with carpetbag officials arresting one another and armed **militias** parading the streets of Little Rock and New Orleans.

Carpetbaggers generally had their greatest influence in states with majority or near-majority black populations. For this reason, regimes dominated by carpetbag governors outlasted those dominated by scalawag executives. Hence, Congressional Reconstruction in Mississippi lasted until 1875, and the Republican regimes in Louisiana, South Carolina, and Florida lasted two years longer. Indeed, carpetbag officials in the latter three states were key players in the disputed election crisis of 1876–1877. Without the electoral votes of South Carolina, Louisiana, and Florida—awarded by carpetbag regimes—**Rutherford B. Hayes** could not have become president.

When Reconstruction ended, many carpetbaggers returned North. Former Mississippi governor **Adelbert Ames** made a fortune in Massachusetts through business investments and mechanical inventions (notably pencil sharpeners and fire-engine ladders). A general in the Civil War, Ames reentered the army in the Spanish-American War as a brigadier general of volunteers. At his death in 1933, the press eulogized him as the last surviving general of the Civil War. Former South Carolina governor **Daniel H. Chamberlain** became a prominent member of the New York City bar and wrote a series of articles about Reconstruction for *North American Review* and *Atlantic Monthly*. **Albion W. Tourgée** also settled in New York City and wrote a best-selling novel, *A Fool's Errand* (1879), about a North Carolina carpetbagger who closely resembled the author. He later acted as lawyer without pay in the landmark *Plessy v. Ferguson* case (1896), unsuccessfully challenging segregation on Louisiana passenger trains. Driven out of Louisiana by the White League, Marshall H. Twitchell became American consul in Kingston, Canada. Still at his post in the Spanish-American War, he helped bust a Spanish spy ring operating in Montreal. His unpublished autobiography remained in storage in Vermont for more than half a century, eventually being published as *Carpetbagger from Vermont: The Autobiography of Marshall Harvey Twitchell* (1989). Albert T. Morgan accepted a clerkship in Washington, D.C., and wrote an excellent account of his Reconstruction experience in Mississippi, *Yazoo: Or, On the Pickitt Line of Freedom in the South* (1884).

**Powell Clayton** and **Henry Clay Warmoth**, on the other hand, along with many others, remained in the South after 1877. Clayton became an Arkansas railroad president, a business promoter, and the owner of a 40,000-acre plantation on the Arkansas River. He wrote about his Reconstruction experience in *The Aftermath of the Civil War in Arkansas* (1915). Warmoth remained active in Louisiana business and politics for decades. He ran for governor in 1888 and, from 1890 to 1893, was collector of the Port of New

Orleans. The owner of a large sugar plantation, in the mid-1890s, he was a lobbyist for Louisiana sugar planters. His *War, Politics and Reconstruction: Stormy Days in Louisiana* (1930), published just before his death, is one of the best political memoirs of the period.

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*Ted Tunnell*

### Chamberlain, Daniel Henry (1835-1907)

Governor of **South Carolina** from 1874 to 1877, Daniel Chamberlain was the ninth of ten children born to Eli Chamberlain, a farmer in West Brookfield, Massachusetts. An accomplished student, he entered Yale College in 1859. When the Civil War broke out in 1861, he was torn between finishing college, thus fulfilling his duty to those who had paid for his **education**, and the duty he felt as a Republican and **abolitionist** to "bear a hand in this life-or-death struggle for the Union and for Freedom." He remained at Yale, graduating fourth in his class in 1862, then entered the Harvard Law School, but he withdrew after only one year to serve in the army, writing to a friend that he "ought to have gone in '61." Thus, he joined the Fifth Massachusetts Cavalry, a black regiment, as a lieutenant. Soon after his service ended in December 1865, he moved to Charleston, South Carolina, to settle the affairs of a friend; there he engaged unsuccessfully in cotton planting for two years. In 1867, he married Alice Ingersoll of Bangor, Maine.

While Chamberlain was setting down roots in the state, South Carolina's political system was undergoing dramatic change. The 1867 **Military Reconstruction Act** required the southern states to call new **constitutional conventions** with delegates elected by universal manhood **suffrage**. With blacks now comprising 60 percent of South Carolina's voters, the state's electorate was now overwhelmingly Republican. Few men in the state possessed both the markers of education and intelligence, and the unassailable Republican credentials that Chamberlain possessed. He was therefore elected to represent Berkeley District in the 1868 constitutional convention, where he impressed his colleagues and even the Democratic press with his intelligence and ability.

After his work in the convention, Chamberlain was elected state attorney general, in which capacity he served from 1868 to 1872. This position also



made him, *ex officio*, a member of the three-person state financial board, which was his most controversial role during Reconstruction. He was deeply implicated in the board's overissue of state bonds and in its failure to control the state's financial agent, who was corrupt. It is somewhat less clear whether Chamberlain himself benefited from any of the frauds practiced by the state government; he denied it and called for reform, but many Democrats considered him part of the "bond ring." Defeated in the Republican caucus for governor in 1872 by **Franklin J. Moses**, Chamberlain then pursued the private practice of law.

In 1874, the national Republican Party and President **Grant** demanded that the southern governments, and South Carolina's especially, reform their ways. In the intervening two years, the state had acquired national notoriety as the "Prostrate State," a sink of corruption. Chamberlain again ran for governor as a reform candidate and won election. As governor, Chamberlain exceeded the expectations of all those who wanted reform. He replaced incompetent officeholders, vetoed spending bills, and spoke frequently and passionately about the need to reform. In so doing, he increasingly won praise from moderates of both parties and condemnation from hardliners of his own party. In 1875, when he used extralegal means to prevent the legislature's choices for three judgeships from receiving the offices, he was fiercely criticized by many Republicans.

The true threat to Chamberlain's regime, however, was not hardline Republicans but hardline Democrats. In July 1876, white Democrats (organized in "**gun clubs**") provoked a confrontation with black **militias**, captured them, and murdered several in cold blood. Chamberlain responded with outrage to the "Hamburg Massacre" and asked the Grant administration to send more U.S. troops to the state. While this action unified the Republican Party behind Chamberlain, it alienated the moderate Democrats he had been courting. The **Democratic Party**, therefore, was also united in support of former Confederate General **Wade Hampton III**. During the 1876 campaign, Democratic "**Red Shirts**" rode around the state, harassing leading Republicans and breaking up Republican meetings. In some instances, they went further; the "Ellenton Massacre" saw thirty blacks killed by Red Shirts.

Because the election was marred by fraud on a massive scale, both parties were able to claim victory, and for several months both Chamberlain and Hampton claimed to be governor and attempted to exercise the powers of the office. In April 1877, however, newly elected President **Rutherford B. Hayes** abandoned his predecessor's activist southern policy, and with it, his support of Chamberlain. Without the support of federal troops, Chamberlain had no choice but to resign, telling his Republican supporters, "To-day—April 10, 1877—by the order of the President whom your votes alone rescued from overwhelming defeat, the Government of the United States abandons you, deliberately withdraws from you its support, with the full knowledge that the lawful government of the State will be speedily overthrown."

After the defeat of Reconstruction, Chamberlain left South Carolina for New York, where he prospered as a lawyer and, later, a scholar. At first he defended Reconstruction and the policy of universal male suffrage, but later he came to accept the scientific racism of the times. In 1904, he was ready to conclude

that it had all been a mistake, that “with a preponderating electorate of negroes, it was never within the bounds of possibility to keep up a bearable government.” By the end of his life, he was more comfortable in the Democratic Party than the Republican, and more comfortable with white supremacists than **abolitionists**. South Carolina Democrat Alfred B. Williams congratulated Chamberlain on being “so fortunate as to live long enough to allow his natural character and clarity of judgment to prevail.” It might better be said that Chamberlain was so unfortunate as to trust social science in an age when it provided more folly than wisdom.

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*Hyman Rubin III*

### **Chandler, Zachariah (1813–1879)**

A leading **Radical Republican** and U.S. senator from Michigan, Chandler significantly contributed to Reconstruction policy during and after the Civil War. Chandler was born in Bedford, New Hampshire, to farming parents. After being educated in local schools and working at various jobs, he migrated to Michigan in 1833. In Detroit, he established a successful dry goods store and developed toll roads in the area. Married in 1844, he and his wife, Letitia Grace Douglass, had one child. Politics, however, was his major career interest.

Chandler possessed an affectionate personality, quick temper, and high ideals of public service. As a Whig in 1851, he became mayor of Detroit, but he lost the governor's race the following year. Committed to the Underground Railroad and **abolition**, his opposition to the Kansas-Nebraska Act of 1854 placed him in a leadership position in the newly created Republican Party. By 1857, he was elected to the U.S. Senate, a position he did not leave until 1875.

As a senator during the Civil War, he opposed secession and constantly encouraged Union generals to take the offensive to the rebels. Creator and a leading member of the **Joint Select Committee on the Conduct of the War**, he was a strong critic of General George McClellan's military activities. As a leading radical, he recognized early that the destruction of slavery and saving the Union were one and the same policy. Viewing President **Abraham Lincoln's** Reconstruction policy as inadequate, Chandler supported a wide range of policies such as **suffrage** for **African American** males and a material stake for them in society, popularly known as “40 acres and a mule.” He also wanted the Confederate leadership punished by confiscating their property, and voted “yea” in the unsuccessful conviction effort following **the impeachment of Andrew Johnson**.

Significant as he was during Reconstruction, Chandler's political career involved far more. As chairman of the Committee on Commerce from 1861 to 1875, Chandler did not neglect the economic interests of Michigan. He supported higher tariffs, the creation of national banks, and hard money. Chandler believed that federal aid to economic growth was not only desirable but necessary. His foreign policy was a simple one of expansion. At various times he wanted to annex Canada and Santo Domingo, and resist Great Britain's expansionism. In the 1874 election, he lost his Senate seat, but President **Ulysses S. Grant** appointed him secretary of the interior. He was an effective secretary, and has been praised highly for his reforms within the Bureau of Indian Affairs.

In 1876, Chandler managed Republican **Rutherford B. Hayes's** campaign for the presidency. He later broke with Hayes over the latter's policy toward the former Confederate states. By 1879, he had returned to the U.S. Senate, where, not surprisingly, he opposed a pension for former Confederate president **Jefferson Davis**. Always a loyal party man, he died in Chicago campaigning for the Republicans. A successful businessman—his estate exceeded \$2 million—he also possessed high ideals, as expressed in his abolitionism and nationalism. He believed that **civil rights**, federal authority, moral force, and economic nationalism all worked for the greater good. This perspective made the end of Reconstruction an especially bitter disappointment for him. *See also* Congressional Reconstruction; Field Order No. 15; Johnson, Andrew; Presidential Reconstruction.

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*Donald K. Pickens*

### **Chase, Salmon Portland (1808–1873)**

According to William Herndon, **Abraham Lincoln's** ambition was a little engine that knew no rest. If that judgment is true, then Chase's ambition was a dynamo of the first order. His achievements were many, but he undoubtedly found no relief from his presidential ambitions. His life and honors covered before and after the Civil War and, with many of his contemporaries, he had his opinions regarding Reconstruction.

Born in Cornish, New Hampshire, the eighth child in a family of eleven, Chase's parents, Ithamar, a glassmaker, and Janette, also ran a tavern. Life was difficult. His father died when Chase was nine and for economic security the family moved to Ohio. In the Buckeye state, Chase lived with his uncle, Philander Chase, an Episcopal bishop. It was the defining moment in Chase's life; he developed a strong sense of self-discipline and awareness with a concern for his religious and social obligations. Chase's faith sustained his ambition to do something of large import. The work ethic and stewardship were cornerstones in his character.

When he enrolled at Dartmouth in 1824, he participated in the religious revival sweeping the campus. His ambition matched his Christian desire to perform mighty deeds of goodness. After his graduation in 1826, he moved to Washington, D.C., and studied law with William Wirt, the U.S. attorney general. He also opened a school for well-to-do children of the city. Within a few years, he decided that his future was in the West and so he moved to Ohio in pursuit of a golden reputation. His success—financial, political, and social—was great in Cincinnati.

In 1834, he married Catherine Jane Garniss, who soon died in childbirth. Five years later, he married Sarah Bella Dunlop; she died in 1852. Four of his six children died young. In all these sad circumstances, his first wife's death continually haunted him. It provoked in him a desire to engage in good works that would demonstrate his religious faith. His dedication provided a full and successful career in politics.

Beginning with his efforts on behalf of the American Sunday School Union in 1837, Chase soon became a vital part of the antislavery crusade. That same year, Chase defended Matilda, a slave whose master brought her into Ohio; she sued for her freedom. Chase and James G. Birney argued that local law was the sole enforcement of slavery in the States. His argument was that slavery was “de-naturalized” by the Constitution. State law enslaved people; freedom territory restored their freedom. Chase's argument was that the Constitution, an anti-slavery document, was constitutionally and historically incorrect. Nevertheless, he continued to use the thesis in several cases dealing with fugitive slaves.

His legal career led to his joining the Liberty Party in 1841, and he pushed to reduce slavery's influence by ending slavery in the **District of Columbia** and stopping the interstate tariff in slavery. Because the antislavery forces held the balance of power in the state, in 1849, Chase became a U.S. senator, thanks in part to his leadership in the Free Soil Party. His fight to repeal the Black Laws in Ohio also contributed to his political success. Ambitious, yes, but he worked hard in building political coalitions that moved in his desired direction. He was quite artful in the matter.

In the Senate, he desired a coalition between the Democratic and Free Soil forces; on sectional issues, he maintained his antislavery position. He led the fight against the Kansas-Nebraska Act of Stephen A. Douglas. Dealing carefully with nativist elements in the state, Chase was elected governor in 1855. He continued to gaze toward the White House; maybe the Republican Party nomination would be his in 1856. In fact, he did a great deal of organizational work for the young party. Rejected by the Republicans for John C. Fremont's candidacy, Chase returned to the U.S. Senate in 1860; his greatest triumphs were ahead.

In the Senate, he defended the **Lincoln** administration by attacking the Crittenden Compromise. He urged Lincoln to resupply Fort Sumter. He recognized that war was close at hand. “The truth,” he remarked, “is that God seems to be punishing [us] for our sins—among the greatest I believe [is] that of complicity with slavery.” It was a sentiment echoed by many of his fellow citizens, including Lincoln.

Appointed secretary of the treasury in 1861, Chase's contributions were considerable. In fact, Chase ranks second to Alexander Hamilton in creating a

significant public fiscal policy. He started slow in reforming the policy, believing that the war would be brief. It was not. He shaped the bureaucracy and improved collection of taxes. By 1862, it was clear that the war and all of its revolutionary consequences would endure for some time. Working with Jay Cooke, a leading Philadelphia banker and family friend, the financial situation improved. Chase carefully kept **scandal** away from the department. He forced paper money as legal tender through Congress and in 1863, he established a national banking system. It was a remarkable change in public attitude and policy.

In addition, he handled confiscated and abandoned Confederate property. He used such power to help the **Port Royal Experiment** to allow the freedmen to work for wages and their own land. He was ahead of Lincoln in moving toward freeing the slaves and thereby changing the dynamic of the Civil War. Chase desired **emancipation** without reference to colonization or compensation. Always mindful of religious context for human action, Chase placed "In God we trust" on the new greenbacks and encouraged Lincoln to close the Emancipation Proclamation with a phrase to invoke the "gracious favor of Almighty God." He supported the freedmen as soldiers and as landowners.

Because of his presidential aspirations, Chase's relationship with Lincoln suffered over time. His behavior prior to the 1864 nomination was a disaster. The result was that Lincoln forced Chase out of the cabinet. The use and abuse of **patronage** broke the relationship; in June 1864, Chase left the Lincoln administration.

Within six months, Lincoln appointed Chase chief justice of the U.S. **Supreme Court**. It was a critical appointment, and illustrated the centrality of Chase's contributions to the events and policies of the day. In 1866, in *Ex parte Milligan*, he upheld that civil courts when open could conduct legal business instead of military courts, the institutional means to Radical Reconstruction. Speaking for the majority in the *Texas v. White* case in 1869, he ruled that the Union was inviolable, upholding the view that the rebel states never left the Union.

In other matters before the court, he and the majority ruled that wartime paper money was unconstitutional in *Hepburn v. Griswold*. He dissented in the *Slaughterhouse Cases* in 1873. He also saw the future in claiming that the **Fourteenth Amendment** allowed federal authorities to protect individuals from unjust state actions.

Chase was a fascinating combination of ambition, talent, and political enterprise. He combined and maintained his youthful religious idealism with cold ambition to have a tremendous impact on the nation. Aside from Lincoln, Chase was a very major player in the events of his day. He died in New York City on May 7, 1873. *See also* Recusants.

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Donald K. Pickens

## Churches

Churches played a central role in explaining and realizing the meaning of the Civil War to victor and vanquished alike. They provided organized relief to rebuild the South and, in the case of northern denominations, extended missionary aid to the freedpeople. Northern churches emerged from the war triumphant in proclaiming the United States a redeemer nation and insisting that Reconstruction policies respect the Union victory by supporting the veterans and the families of those who had fallen and by arguing for a “just peace.” White southern churches became rallying points for a defeated people needing to reclaim a sense of common purpose. White southern ministers figured prominently in the cult of the “**Lost Cause**,” which cast the Confederacy as a noble enterprise and the Confederate soldier as the embodiment of Christian character. Blacks, meanwhile, left biracial churches in the South to create their own churches, which became the foundations of black political leadership and community. The major Protestant denominations (Baptists, Methodists, and Presbyterians) that had split before the war over slavery and related theological issues remained divided during, and in part because of, Reconstruction. Other “national” churches stayed united by letting clergy follow local political practices, as long as they did not conflict with church doctrine and purpose. Churches’ involvement in, and effects on, Reconstruction thus varied according to place and interest.

During and after the war, northern churches linked religion with relief. The U.S. Sanitary Commission and the Christian Commission—the principal Union agencies developed during the war to provide support for war widows and orphans and succor to wounded soldiers—grew out of and relied on Protestant churches for resources and recruits. The networks of associations they created continued as a nexus of reform-minded effort during Reconstruction, and for some individuals laid the foundation of the Social Gospel later in the century. So, too, the millions of Bibles, religious tracts, pamphlets, and newspapers they distributed to soldiers and civilians during the war put a religious stamp on the war that informed understandings of what peace demanded after it. If the war was a test of faith as well as national purpose, the arguments went, so too must be the efforts to bind up the nation’s wounds.

The northern churches’ special interest was promoting Reconstruction through **education**. During and after the war, the Protestant religious press called for educational and other aid to the freedpeople, and individual churches and denominations sponsored schools, supplied and paid teachers, and distributed countless Christian reading materials to evangelize among whites and blacks, but also to make possible organized religious life in the postwar South. Northern missionaries in the South also established Sunday schools to save the region through Christian nurture and education. White southerners, who were otherwise suspicious of northern “intrusions” into local affairs and resentful of northern missionaries’ presumptions of moral superiority and Republican politics, welcomed the Sunday school initiatives, which included teaching materials and Bibles supplied by northern churches. The war had torn families apart, challenged parental authority, encouraged lawlessness, and left many women alone to raise their children. Sunday schools promised a

useful corrective. Southern white churches soon adopted and adapted Sunday schools on their own account to instill respect for authority in their youth and to revitalize their communities with their own lessons in morality, Christian discipline, catechism, and the three Rs.

Northern churches invested most heavily in education for the freedpeople. Best known among such ministries were the Quaker-run freedmen's schools in the **South Carolina** sea islands, some of which continued well into the twentieth century. Virtually all Protestant denominations made some attempt at setting up schools. The United Presbyterian Church in North America, for example, established a Freedmen's Mission in 1863, and the U.S. Presbyterian Church appointed a Committee for Freedmen in 1865—organizations from which Presbyterians founded and maintained industrial and teacher training schools for the freedpeople in several southern states. Especially active was the **American Missionary Association (AMA)**, which carried its antebellum and wartime antislavery witness into Reconstruction. The AMA first did so as part of the **Port Royal Experiment** in South Carolina, but its principal and most enduring contributions were establishing more than 500 schools for blacks in every former Confederate state, as well as in Missouri, Illinois, **Kentucky, Maryland**, and the **District of Columbia**. The AMA also chartered nine historically black colleges, most of which survive today. Northern churches and the AMA often worked in hand with the **Freedmen's Bureau**, which, under the leadership of General **Oliver O. Howard**, a devout Congregationalist who believed black uplift depended on Christian principles and education, combined free labor ideology with evangelical interest in setting up, staffing, and supplying schools. Howard and other Freedmen's Bureau officers appealed to northern churches for support, and the bureau in turn supported the missionary teachers, many of them white women recruited directly from northern churches. At the Second Plenary Council of Baltimore (1866), the Catholic Church also promised educational and material assistance to the freedpeople, but preoccupation with assimilating a swelling tide of diverse Catholic immigrants coming to the United States from the 1870s on diverted the church's attention from the Reconstruction South to northern cities. Still, through the Josephites and black orders of religious women, especially, the church did attempt a ministry to blacks, and by the 1880s, it ran segregated schools for blacks in most southern dioceses.

The freedpeople did not wait on white churches in asserting their own ideas on the meaning of freedom. In a mass exodus, blacks left biracial Baptist and Methodist congregations to form their churches free of any white oversight. The African Methodist Episcopal Church (A.M.E. Church), the largest and most powerful black denomination, evangelized vigorously among the freedpeople, encouraged and underwrote church foundings, and attracted a large following, but in their quest for autonomy, most southern blacks preferred starting up independent congregations rather than affiliating with the northern-based A.M.E. Church. Black churches provided spiritual and practical benefits of worship and fellowship. As the black population spread out geographically in taking up tenancy on individual plots, black churches cropped up across the Reconstruction South and literally became the meeting

place for the black community in every locale. Churches ran schools, sponsored social events, and established mutual aid associations, burial societies, temperance clubs, and literary organizations. Churches gave blacks a sense of collective mission. The ministers preached self-reliance and moral probity as the path to spiritual and temporal salvation, and cast the now-free black community as “children of Zion” through whom God would reveal His true purposes.

That powerful messianic message echoed in black politics. Churches served as the venues for political debate and mobilizing, and ministers pounded home the duty to vote as the best way to save the republic and for the freedpeople to help themselves. Some ministers complained that politics threatened to crowd out church building, but no black minister could avoid preaching politics in the hothouse of Reconstruction. Ministers used their speaking and organizational skills, and their stature in the black community, to enter politics directly. **Richard H. Cain** in South Carolina, Henry M. Turner and Tunis G. Campbell in **Georgia**, and **James D. Lynch** in **Mississippi** were the most prominent minister-politicians among the more than 100 black ministers who won election to southern legislatures.

The political association of black, and white, congregations with the Republican Party made them targets of white **violence**. The **Ku Klux Klan** and other vigilante groups sought to silence the black vote by silencing black ministers, several of whom suffered beatings and worse because of their political activism. White Unionist churches suffered a similar fate, especially those aligned with the northern-based Methodist Episcopal Church, which in conservative white southerners’ eyes was singularly obnoxious for its support of black rights and protection for white southern Unionists, now reviled as “**scalawags**.”

White southern churches, meanwhile, were most intent on rebuilding the physical structures damaged or destroyed during the war, while also rebuilding the shattered spiritual and social lives. Men crippled by wartime injuries and disease found it hard to reclaim their manly station in a still largely agrarian culture where men worked with their hands, and women left widowed or abandoned during the war doubted the old truths about God as a protecting father and their men as Christian patriarchs. The white churches responded by restoring community through worship, a full array of social services, Sunday schools, and programs to bring families together in the church. Women especially gained new authority by engaging in church-sponsored reform efforts, such as temperance and orphan relief, and running fund drives to support church building.

White southern churches also entered politics. Ministers called for a public morality that rejected the supposed corruption of Republican-controlled “black and tan” legislatures and insisted on a racial order consistent with biblical “truths.” Most important, white churches explained southern military defeat and Republican-imposed Reconstruction in scriptural terms that made resistance to Reconstruction almost a divine command. Many white southern clergymen took up the Lost Cause by arguing that the Confederacy was Christian and constitutional in purpose. God had not forsaken the South in



allowing northern victory; rather, the argument went, He was chastising the South for its sins of selfishness that had undercut the noble Confederate experiment. In doing so, the ministers likened the South to the Israel of old, thereby encouraging white southerners that, as God's "chosen people," they would escape their own exile in Reconstruction by getting right with God and acting right in politics and public life. Central to this theme was the deification of the Confederate soldier, especially Robert E. Lee, and the construction and consecration of monuments, gravesites, and other public reminders of what Christian duty demanded. The public involvement of ministers and prominent church club women in rituals celebrating the Lost Cause ideology, such as Confederate Memorial Day, bound church and state in "redeeming" the South from Republican rule. They also further convinced blacks that white churches had no place for them.

Protestant churches reflected three visions of Reconstruction and spiritual and moral renewal for the South, and the nation rooted in a common theological core of providential history but revealed variously in differing sectional, racial, and social identities and interests. By the end of the century, northern white churches had retreated from Reconstruction and many had taken up the "white man's burden" in endorsing expansionism and arguing for immigration restrictions. They also joined in rituals of sectional reconciliation that emphasized the nobility of the Civil War soldier, ignored slavery as the cause of the war, and denigrated Reconstruction as a fool's errand. The distinctions among the white and black churches that informed Reconstruction, however, did not wholly disappear. They persisted into the twentieth century to re-emerge in public consciousness during the modern **civil rights** movement. *See also* Bureau of Refugees, Freedmen, and Abandoned Lands; Redemption; Women's Movement.

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*Randall M. Miller*

## Cincinnati Convention (1872)

In three short days, the Cincinnati Convention saw both the birth and death of the hopes of liberal reformers that they could create a viable new political party that would change what they believed was the course of the United States in the late nineteenth century.

In the early 1870s, Republicans disgruntled with their party's increasing corruption and unhappy with President **Ulysses S. Grant's** attempts to annex Santo Domingo (the Dominican Republic) joined with **New Departure** Democrats who were anxious to distance themselves from their own party's southern extremists to create a new, national political party that would appeal to moderates across the nation. Meeting in Cincinnati, Ohio, on May 1, 1872, the **Liberal Republicans** adopted a platform that was designed to reclaim the government from the politicians who stayed in power by using corporate or tax money to create pork-barrel projects that provided jobs to constituents. The platform called for recognition of the Reconstruction Amendments, for an end to the political disabilities of former confederates, and for an end to the corruption of modern politics by reducing the power of both organized labor and big business. While the new party was designed to move the country past the issues of the war years, it was not progressive. Emphasizing their essential conservatism, Liberal Republicans at the convention refused to allow female delegates and silenced female protesters from the floor.

The father of the Liberal Republican movement, Senator **Carl Schurz** of Missouri, hoped to see the convention nominate Missouri's Liberal Republican governor B. Gratz Brown for president. Others hoped that reformers **Charles Francis Adams** or **David Davis** would take the nomination. Instead, a series of political maneuvers by protariff forces meant that the convention's endorsement went to the eccentric and comical **Horace Greeley**, editor of the *New York Tribune*, who was well-known as a staunch supporter of protective tariffs. Even more well-known than his hatred of free trade, though, were Greeley's diatribes against Democrats and southerners. Greeley's nomination meant that the Liberal Republican Party would be unable to mount any serious challenge to the dominant Republicans. Antitariff northern Democrats could not be mustered to his standard; disgusted southern Democrats simply refused to vote in the election; and most Republican reformers washed their hands of the ridiculous candidate. By the time the convention adjourned on May 3, prescient observers had already declared the Liberal Republican movement dead.

Although the election of 1872 offered no serious threat to the regular Republicans and Grant, the issues that arose did not fade. The succeeding years would keep the South, **African Americans**, and the problems of corruption at the forefront of the party's concerns. *See also* Bennett, James Gordon, Jr.; Blair, Francis P., Sr.; Bloody Shirt; Democratic Party; Pendleton, George Hunt; Readmission; Republicans, Moderate; Scandals; Stalwarts; U.S. Army and Reconstruction.

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*Heather Cox Richardson*

## **Civil Rights**

In light of rather loose, present-day, commonplace usage, civil rights is a somewhat murky concept. The term might refer to the modern movement that bore its name, aimed at eliminating **Jim Crow laws** and customs in the South, a second Reconstruction completing the work began during the first Reconstruction. It may refer to a constitutionally guaranteed set of powers a person, as a member of a civil society, has or can claim from the state against others who might incur upon those powers. Thus, one might distinguish such rights from political rights, in that they refer to the rights a citizen bears or can claim beyond or outside those of basic political participation, as in disputes involving private parties. In some cases, it evokes a species of rights derived from nature, from a transcendent moral order, or from the fact of being human, a use to which many **Radical Republicans** and civil rights movement activists lent the term. In nearly every case, overlapping with all such definitions, the idea involves the problem of racial and ethnic inequality in America and the persistent struggle of various actors to combat such inequities. Today, the historical trajectory of the black freedom struggle and the idea of civil rights are inextricably linked. The Reconstruction era was the historical moment when the term civil rights, for the first time nationally, acquired this modern meaning.

### ***Antebellum Assumptions***

From its founding, the United States has always been a culture of rights. Such language, in the European natural law tradition, informs our founding documents, especially the Declaration of Independence and the Bill of Rights in the **U.S. Constitution**. Prior to the Civil War and Reconstruction, the individual states were the keepers of the large share of these oft-celebrated civil liberties. The national government did not often incur in the states' sovereign doings in civil matters. In other words, our modern conception of civil rights, which includes the active national protection of, and the ability of groups to claim, such rights in the event of their violation by states or by private parties, did not exist. The Bill of Rights was thus a very limited set of guarantees, having little to do with how people experienced their daily lives. (It is this antebellum conception that comprises our contemporary legal understanding of *civil liberties*, particularly as distinct from *civil rights*.) Before the prerequisites for our modern understanding of civil rights could be met then, this antebellum state of affairs had to change. The Civil War partly fulfilled such a requirement. Reconstruction completed the transformation, in theory if not always in practice.

More specifically, the end of slavery and the clear resolution of the constitutional conflict between the national government and the states in favor of

the Union did the job. But in order for civil rights to acquire the meaning it did during the Reconstruction, the idea that a group of people, namely **African Americans**, could even claim rights, particularly from the national government, needed legitimizing. In antebellum America, such notions existed in astonishingly few quarters. The Fugitive Slave Law of 1850 and chief justice Roger Taney's decision in the 1857 case *Dred Scott v. Sanford* expressed in national, legal-judicial terms what northern and southern social practice had already made abundantly clear: Ostracized and unrecognized by civil society, black people had little or no status whatsoever as rights-bearers in the minds of the vast majority of white Americans.

### ***Republican Congress, War, and the Creation of Civil Rights***

So concomitant with the bloodshed of the war and the coming of Reconstruction was an intellectual revolution, one that transformed America's existing culture of rights in such a way that civil rights, as a cipher for the fortunes of African Americans, became a legitimate, supportable issue in more than merely radical (most notably **abolitionist**) arenas of public discourse. The startling shift in thinking about slavery within the national Republican Party between 1861 and 1865 was an especially telling example of this phenomenon. In early 1861, Congress, with widespread Republican support, approved a constitutional amendment to protect slavery in perpetuity where it already existed. After Fort Sumter, such legislation faded from public view, and Congress began to undermine the peculiar institution. Still, action in this vein was conceptually uneven. Congress passed legislation in 1862 to repeal the Fugitive Slave Law and eliminate slavery in the **District of Columbia**, yet **confiscation** laws enacted that same year against white southerners operated in such a way as to acknowledge the legitimacy of slaves as property, as objects capable of seizure. As for presidential politics, the **Emancipation** Proclamation, effective January 1, 1863, was immensely important in symbolic terms while limited in actual scope, a martial statement made by President **Abraham Lincoln** in his capacity as commander in chief, applying only narrowly to those states in rebellion, merely confirming a process that many slaves had initiated in practice well before 1863. That by 1865 so many whites would support a constitutional amendment (the **Thirteenth Amendment**) outlawing slavery speaks to a substantial shift in thought and in America's culture of rights, precipitated by the experience of civil war and the revolutionary actions of African Americans, slave and free. So it bears mention that African American soldiers who fought capably for the Union certainly played a significant role in this remarkable change in thinking, as they proved their capacity to act politically and even heroically as members in a civil society. Too, the public pronouncements of Abraham Lincoln later in the war had an immense impact, as the president led the Union cause in clear reference to the Declaration of Independence, interpreting its invocation of the self-evident truth that all men were created equal in more inclusive terms. By war's end, the elimination of slavery became a moral necessity crucial to most every Republican vision for national Reconstruction, whether moderate or radical.

### *The Thirteenth Amendment*

Perhaps more important to the creation of the modern concept of civil rights, though, were the theoretical implications of this vision when made law, namely in the Thirteenth Amendment, ratified in 1865. The notion that civil rights might be something African Americans could claim now became a distinct possibility. The second article of the amendment clearly stated that “Congress shall have the power to enforce this legislation by appropriate legislation.” Congress, supported by the national Constitution, would provide the necessary protections for the right of African Americans to be free against those who would deny such rights. The point at which the Constitution definitively enabled the national government to enter the space of civil concerns was the point at which it unequivocally outlawed slavery, which in the United States applied to African Americans. Race, civil rights, and an assertive national government were now indelibly connected.

### *The Civil Rights Act of 1866*

Congressional action during the Reconstruction would complete the task of binding the term civil rights to the fortunes of African Americans, all the while making the national government, at least in theory, the guarantor of those rights, thus creating our modern understanding of the concept. In 1866, Congress passed, over President **Andrew Johnson**’s veto, the first congressional action to deal with the status of free African Americans following the Civil War—the **Civil Rights Act of 1866**. Language transformed conceptual connections, making the association explicit. The act for the first time defined citizenship in national terms, applying it to all those born in the United States “of every race and color, without regard to previous condition of slavery or involuntary servitude,” entitling them to certain rights. Among the most significant of these rights was the ability to make and enforce contracts; to bring lawsuits in court; and to hold, conduct, and defend personal property in terms equal to white citizens. The act also gave those denied of their rights under the new law the opportunity, in federal court, to prosecute those who refused to uphold its provisions. The law was passed in response to the many **Black Codes** that emerged in the South at the end of the Civil War, where newly free African Americans were often forced into a legal position not far removed from slavery. It was the first real effort following the Civil War, after having recognized freedom in the Thirteenth Amendment, to define it in legislative terms. While symbolically important, its impact proved minimal in practice.

The Act banned certain public acts of injustice against African Americans, but failed to curb the widespread acts of **violence** against African Americans in the aftermath of the Civil War. Also, the states had the primary responsibility to enforce the law, and few did. Federal courts could only enforce the law if the states violated it explicitly. In the years that followed, according to a pattern that would become very familiar, many southern states passed fiendishly sophisticated legislation that effectively circumvented the language of federal laws. Most often, states enacted laws that made no mention of color or race, while at the same time excluding African Americans from the benefits of citizenship. In the final analysis, the Civil Rights Act of 1866 was a prelude

to the more substantial congressional measures passed in the years that followed, in particular the **Fourteenth Amendment**.

### *The Fourteenth Amendment*

Ratified in 1868, the Fourteenth Amendment was a piece of legislation made necessary at least in part by many Republicans' belief that the 1866 act, if subjected to scrutiny, would be found unconstitutional, particularly in light of the 1857 *Dred Scott* decision, in which the court ruled that African Americans had no legal standing to pursue rights claims. Moreover, President Andrew Johnson's veto of the 1866 bill, and reports of white southern resistance made it clear to many Republicans that the civil rights of African Americans must be protected to guard against the lingering forces of rebellion. In effect, the Fourteenth Amendment overturned the *Scott* decision, expanding the reach of citizenship to far more people. The amendment challenged the traditional relationship between the national government, the states, and individuals in a way crucial to the creation of civil rights that took place during the period.

Yet the language of this challenge revealed exploitable limitations. The first clause, for example, was both potentially revolutionary and fatally ambiguous. Clearly making citizenship a dual proposition (of nation and of individual states), the document maintained that

No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny any person within its jurisdiction equal protection of the laws.

Though the amendment paved the way for the process of incorporation, whereby the national government would assume primary authority in the defense of civil rights, thus opening conceptual doors, tricky terms like "privileges and immunities" proved subject to broad reaches of interpretation. Republican supporters believed that the amendment gave Congress the right to ensure the civil rights of American citizens, supplanting duties formerly under state jurisdiction given the existence of certain natural laws, thus the Lockean "life, liberty, and property." In short, the amendment changed the nature of American federalism, embracing a strong national perspective. Others of a more contrary bent, especially in the judiciary, contended that the Fourteenth Amendment merely reinforced the traditional authority of the states to determine the conditions by which citizens could exercise their civil rights.

### *Enforcement Acts and the Courts*

While many Republicans contended that Congress had the power to protect the civil rights of African Americans, widespread instances in which recalcitrant white southerners repeatedly violated such rights through fraud, violence, and intimidation led to more legislation, the series of **Enforcement Acts**, enacted in 1870 and 1871. The acts, supported by then president **Ulysses S. Grant**, were especially designed to stop **Ku Klux Klan** terrorism, which they accomplished with some success. The 1870 acts dealt primarily

with the protection of **suffrage** as guaranteed by the **Fifteenth Amendment**, ratified in early 1870. The 1871 Ku Klux Klan Act more explicitly enforced the provisions of the 1866 Civil Rights Act. Dealing a mortal blow to Klan vigilantism, the legislation made individual acts of violence and conspiracy federally prosecutable crimes. In this, it made more definite the modern meaning of civil rights. The national government would now guarantee that even private individuals could not deny the relevance and efficacy of African American claims to civil rights.

As quickly as Congress helped to create modern civil rights, many politicians would increasingly sense and respond positively to a national mood set against their practice. For its part, the **Supreme Court** would undermine the revolutionary implications of civil rights legislation in a series of decisions that reoriented American federalism much closer to the antebellum constitutional universe. In the *Slaughterhouse* decision of 1873, disastrous for the fortunes of African Americans, the court ruled that the Fourteenth Amendment, while specifically intended for black people, protected only those rights specifically emanating from constitutionally narrow national, rather than state, citizenship. In other words, the states retained their authority over the vast majority of civil rights that African Americans might enjoy in their daily lives. In 1876, based upon the limited definition of citizenship proposed in *Slaughterhouse*, the court ruled in *United States v. Cruikshank* that the Fourteenth Amendment authorization of congressional enforcement applied only to violations of African American civil rights by states, not by individuals. Contending that it was the responsibility of the states to prosecute individual violations, the court effectively rendered the national government powerless to protect black civil rights.

### *The Civil Rights Act of 1875*

With the revolutionary meaning of Reconstruction largely compromised, Congress enacted potentially one of the most far-reaching pieces of civil rights legislation in U.S. history, though in practice, it would prove anything but. It would take nearly nine decades for the legislative body to pass anything close in intent, namely the Civil Rights Act of 1964. The **Civil Rights Act of 1875**, passed largely in homage to Senator **Charles Sumner**, who vigorously shepherded and defended the legislation before his death in 1874, made racial discrimination and exclusion in several public accommodations illegal, providing for “full and equal” use of inns, theaters, and public transportation. The act also made clear that race should not be a factor in jury selection. (Sumner, a stubborn, uncompromising supporter of racial equality before the law, favored even more expansive provisions that would have made enforced separation in **churches** and schools illegal, ideas that the vast majority of his peers knew to be untenable. Sumner’s notion of “before the law” employed a rather generously narrow and confusing definition of the social realm.)

In any case, African Americans shouldered the large share of the burden for enforcement of the Civil Rights Act of 1875. Blacks could seek redress for violations of their civil rights in the federal courts. Few tried; those who did found the wheels of court bureaucracy trampled by heavy caseloads.

Following an all-too-familiar pattern, the Supreme Court in the *Civil Rights Cases* of 1883 struck down nearly all aspects of the act, leaving only the jury section.

### **Conclusions**

Though Republican legislation occurred well in advance of changes in white popular opinion about the rightful status of black people in the United States (opinion confirmed by the Supreme Court), the conception of civil rights created during the Reconstruction era largely endures to this day. For many white southerners, and more than a few northerners, the term civil rights came to signify the injustices of Reconstruction, particularly decisions made in favor of the black race and at the apparent expense of whites. On the other hand, northern and southern black folk, by creating and sustaining vibrant institutions during the period, blurred the traditional distinctions between the civil and the political, in some cases actively fighting racial discrimination under the banner of civil rights—a concept now peculiarly attached to (and even conflated with) the black freedom struggle in the United States. By the end of Reconstruction, as formal recourse for their grievances and claims evaporated, African American activists kept the idea alive, while the masses of black folk (North and South) maintained the social institutions so crucial to the practice of Reconstruction politics. That the modern civil rights (or freedom) movement (1954–1965) emanated from black social institutions on the local level should come as no surprise—in many cases, the creation and cultivation of those institutions coincided with the intellectual construction of civil rights in America, an innovative way of thinking and speaking about African Americans and their relation to the national government that was fashioned during the Reconstruction era.

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*Peter A. Kuryla*



## Civil Rights Act of 1866

In the aftermath of the American Civil War, emancipated slaves in the South faced an uncertain future and occupied an uncertain status. Presidents **Abraham Lincoln** and then **Andrew Johnson** believed that the defeated Confederate states would make some reasonable attempt to integrate **African Americans** into southern society as free persons. When white southerners failed to do so, Congress attempted to secure basic civil and legal rights for the millions of emancipated slaves in the South. The earliest of these efforts was the Civil Rights Act of 1866.

In December 1865, Republicans in control of the U.S. Congress created a fifteen-member **Joint Committee on Reconstruction**, which was made up of six senators and nine representatives. This committee drafted the Civil Rights Act of 1866, which, for the first time, defined national citizenship and provided citizenship to anyone born or naturalized in the United States. The act did not apply to nontaxed Native Americans. Prior to the law, defining the rights of citizenship was the sole prerogative of the states. The act was part of a congressional effort to combat the **Black Codes** put in place by several southern states after the war. These codes severely limited the legal and economic freedom of blacks after the Civil War, and included limits on the ability to make contracts, to own property, and, in some instances, even to marry. The act was also a direct repudiation of the holding in the 1857 case of *Dred Scott v. Sandford*, which denied citizenship to blacks, both slave and free. The legislation defined certain minimum legal rights of citizenship, including the right to serve on juries, to sue, to give evidence at trial, to make **contracts**, to serve as a witness, and to own private property, as well as provided a right to due process. Congress passed the act in March 1866, with unanimous Republican support in the House of Representatives and the support of all but three Republican senators. Later **civil rights** legislation was also passed in the **Civil Rights Act of 1875** and the **Enforcement Acts** of 1870 and 1871.

In political terms, the act was evidence of growing tension between **Moderate** and **Radical Republicans** and President Andrew Johnson, Lincoln's vice president and a former senator from **Tennessee**. Johnson never accepted the idea of providing full citizenship to African Americans and vetoed the Civil Rights Act of 1866. His hostile veto message first confused and then energized the Republicans, many of whom found the act to be a reasonable, even conservative, answer to the dilemma of the freedpeople. The Republican factions came together and enacted the law over the president's veto on April 9, 1866, the first significant piece of legislation passed over a presidential veto in American history. The concern over future battles with the president over the question of national citizenship for freed slaves, and the threat of repeal by a later Congress, led in large part to the inclusion of similar citizenship provisions in the **Fourteenth Amendment**. The amendment was adopted by the Congress and sent to the states for ratification two months after the Civil Rights Act, on June 13, 1866.

The Civil Rights Act not only defined basic civil and legal rights but also provided for federal enforcement of those rights. Under the legislation, Congress gave the states concurrent jurisdiction over civil rights, except for the

power to regulate the rights named in the act on the basis of race, color, or previous condition of servitude. Those found violating the law were subject to fines and imprisonment in federal court. Moreover, the army and navy were given the power to enforce the act.

After his veto was overturned, President Johnson remained openly opposed to the act. As a result, the executive branch did not vigorously enforce the legislation during his term. Moreover, federal efforts at enforcement were often powerless in the face of organized campaigns of **violence** directed by the **Ku Klux Klan** and other organizations that relied on physical and economic intimidation to deprive free blacks of their new legal and constitutional rights. *See also* Abolition of Slavery; Congressional Reconstruction; Emancipation; Freedmen's Bureau Bills; Presidential Reconstruction; Supreme Court; U.S. Constitution.

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*Daniel W. Hamilton*

## Civil Rights Act of 1875

Coming only nine years after the nation's first experiment with **civil rights** legislation, the Civil Rights Act of 1875 was the last civil rights statute of the Reconstruction period. Before its enactment, the country had added three amendments to the **U.S. Constitution** and passed several **enforcement** statutes as it sought to eliminate the discrimination that limited the freedom of black Americans. This act was both a logical and a threatening next step.

The statute was first proposed by **Charles Sumner**, whose death in March 1874 prompted some to see the enacting of his bill as a form of tribute to the influential Radical Republican senator from Massachusetts. In unsuccessfully proposing the bill in 1870, 1871, 1872, and 1873, Sumner had argued that both the **Thirteenth** and **Fourteenth Amendments** supported the providing of federal protection for blacks denied access to such public, quasi-public, and private accommodations as schools, inns and theaters, **churches**, and cemeteries. The bill that he proposed in 1871 and 1872 was, he said, merely a supplement to the **Civil Rights Act of 1866**, which required equal civil (economic) rights for blacks and whites; the rights were necessary if Americans were to be free rather than slaves. Sumner believed that private racial discrimination was a badge of slavery and thus was prohibited by the Thirteenth Amendment. With the **Supreme Court's** decision in the **Slaughterhouse Cases** in 1873, the focus of the bill's constitutionality shifted to the Fourteenth Amendment. With Sumner's death, the overall focus of the debate shifted to the coverage of schools, a provision excluded from the final version of the bill.

By the mid-1870s, the country was tired of Reconstruction and had developed no real commitment to black rights, much less to racial equality. Nevertheless, thanks in part to Republicans' desire to appeal to black voters after the Democratic victories in the 1874 state and congressional elections, a version of Sumner's public accommodations bill was passed in 1875 during the lame duck session. The new law fell short of Sumner's goals, excluding such especially

controversial areas as schools and cemeteries. Instead of the comprehensive coverage envisioned by Sumner, the statute, entitled “An act to protect all citizens in their civil and legal rights,” stipulated that all Americans should have equal access to such public accommodations as inns and theaters, public conveyances on land or water, and places of amusement in general. It also prohibited racial discrimination in the selection of federal and state juries. The law gave the federal courts exclusive jurisdiction over both civil and criminal cases arising under the law and made these cases reviewable by the Supreme Court.

During the bill’s consideration by Congress, many Americans in both the North and South opposed it as a dangerous expansion of federal power and intrusion into private affairs. The bill’s provisions, they argued, took the national government into the sensitive and personal area of social equality at a time when most Americans accepted government efforts only on behalf of economic rights and, to a degree, political rights.

In 1880 in *Ex parte Virginia* and *Strauder v. West Virginia*, the U.S. Supreme Court upheld the jury section, but sections 1 and 2 dealing with public accommodations were voided in 1883 in the *Civil Rights Cases*. The last, a collection of five cases from California, Kansas, Missouri, New Jersey, and **Tennessee** testing the application of section 5 of the Fourteenth Amendment, involved innkeepers, theater owners, and a **railroad**. By an 8 to 1 vote, the Court declared that the Fourteenth Amendment limited only official state action. Hotel and theater owners and railroad conductors were private individuals, according to the majority opinion delivered by Justice Joseph P. Bradley, even if they operated as a result of state-issued licenses and franchises. As a result of being private, these businessmen’s actions were not covered by the prohibitions of the Fourteenth Amendment.

In addition, although the Thirteenth Amendment prohibited slavery and its “badges,” denial of access to a hotel, restaurant, or railroad car was not a reinstatement of slavery. In lone dissent, Justice John Marshall Harlan supported the argument that private racial discrimination was a badge of slavery prohibited by the Thirteenth Amendment.

The Court’s narrow interpretation of the Fourteenth Amendment’s reach into state and private action severely limited the provision’s usefulness in battling racial discrimination over the next 100 years. As a result, Congress did not pass another public accommodations bill until 1964, this time framed on Congress’s Commerce Power. *See also* Jim Crow Laws.

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*Claudine L. Ferrell*

### **Clayton, Powell (1833–1914)**

Union brigadier general and ninth governor of **Arkansas** (1868–1871), Powell Clayton was born on August 7, 1833, in Bethel County, Pennsylvania, to John and Ann (Clarke) Clayton. He attended Partridge Military Academy in

Bristol, Pennsylvania, and then studied civil engineering before moving to Leavenworth, Kansas, in 1855. A Douglas Democrat in the election of 1860, he was elected lieutenant of the Leavenworth Light Infantry (U.S.) and rose to the rank of brigadier general by the Civil War's end. He participated in the Battle of Wilson Creek. Especially notable was his defense of Pine Bluff (October 25, 1863), in which he repulsed a much larger Confederate force commanded by John S. Marmaduke.

After the war, he stayed in Arkansas and settled on a plantation near Pine Bluff. He married Adaline McGraw, the daughter of a Confederate major. Clayton did not enter politics until the beginning of **Congressional Reconstruction**. Under the **Radical Republican's** program, the state held a convention, dominated by Unionist "scalawags" and so-called **carpetbaggers**, which drew up a new constitution to enfranchise blacks, **disfranchise** former confederates, and recognize the **Thirteenth Amendment** to the **U.S. Constitution**. New state elections were held under this constitution, and Clayton was elected governor in 1868.

The next three years saw Clayton attempt to restore law and order, only to be met by resistance from the **Democratic Party**, whose political action arm was the **Ku Klux Klan**. Building on his base of loyal mountain residents and newly enfranchised freedmen, Clayton fought the Klan to a standstill. He also survived an assassination attempt.

Other parts of Clayton's agenda included establishing for the first time in Arkansas a public **education** system, refinancing Arkansas's enormous antebellum state debt, and funding **railroad** construction. In trying to accomplish these ends, he erected a formidable **patronage** machine but still could not satisfy all the elements within his own party. By the late 1860s, state **Liberal Republicans** in Arkansas repudiated both President **Ulysses S. Grant** and Governor Clayton and allied themselves with the Democrats in trying to wrest control away from the governor. Clayton in turn decided to move his power base to Washington by becoming a U.S. senator. His enemies were even anxious to help in this, but Clayton would not leave until he had arranged for his own supporters to retain control of the statehouse. Once this was accomplished by means of some timely resignations, Clayton moved on to Washington in 1871.

Although the system he left collapsed in the **Brooks-Baxter War** in 1874 and he served only one Senate term, incredibly Clayton remained in charge of federal patronage in Arkansas until his retirement in 1912. His most important reward was appointment as ambassador to Mexico, serving from 1897 to 1905. He retained an interest in Arkansas and was one of the principal investors in the spa town of Eureka Springs. His name, along with other Republican Reconstruction officials, is engraved in stone inside The Crescent, the town's crowning grand hotel.

Clayton was by far one of the ablest and most effective of the Republican Reconstruction governors. His memoir, *The Aftermath of the Civil War in Arkansas* (1915), is a straightforward defense of his actions, based on research from documents and newspapers. Although all the usual Democratic charges about corruption were cast at him, and his infamy was such that his portrait was not allowed to grace the state capitol until 1976, his efficiency as a leader cannot be questioned, even if his skills were more of a military order than

those of a consensus builder. *See also* Black Suffrage; Constitutional Conventions; Military Reconstruction Acts; Scandals; Union League of America; U.S. Army and Reconstruction; Violence.

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*Michael B. Dougan*

### Colfax, Schuyler (1823–1885)

Congressman and later vice president of the United States, Colfax brought little leadership and much questionable behavior to his political career. Born on March 23, 1823, to working-class parents in New York City, Colfax's father died when Schuyler was a young boy. He entered the workforce as a clerk. His mother remarried and the family moved to New Carlisle, Indiana. A bit of an indifferent student, his main interest was politics—Whig and then Republican. Elected county auditor in 1841–1849, he moved to South Bend. He also worked as a journalist reporting on the state legislature.

His marriage in 1844 to Evelyn Clark was childless. For nearly twenty years, he owned and operated a newspaper that turned into an effective instrument

for Whigs and, later, Republicans. Always a strong and loyal party man, his views developed after he took the “pulse” of the voters. By 1854, he recognized the political significance of the Kansas-Nebraska Act. Creating a coalition with nativist groups, he was elected to the House of Representatives. He served from 1855 to 1869.

He was Speaker of the House for nine years. He developed no major legislation, but backed his supporters. His role as chair of the post office and Post Roads Committee allowed him to take advantage of **patronage** opportunities. Colfax was quick to support Republican candidates. In this effort, he cultivated newspaper reporters and held informal press conferences.

Colfax was a safe addition to the **Grant** ticket in 1868. After the election, the widowed vice president married Ellen Wade; they had one child. As his private life became dull and routine, his last years in politics turned on issues of ethics and corruption.

Always open about his financial support from **railroads**, he used a railroad pass as a natural benefit of his position. He and Jay Cooke were



Schuyler Colfax, c. 1877. (Courtesy of the Library of Congress.)

close business and social friends. A fellow member of the House, Oakes Ames drew Colfax into the Credit Mobilier **scandal**. His congressional salary never covered his expenses, so he felt no shame in accepting the kindness of lobbyists and railroad interests.

Without being indicted or even charged, Colfax left government service in 1873. Primarily, he was mad at lack of defense from his friends and the lack of their gratitude for his services over the years. In Indiana, he remained popular and had a good living lecturing on various topics throughout the Midwest. He was a successful orator. He died on January 13, 1885, during a speaking tour. Never a reformer, never a Radical, he was a typical example of the Gilded Age politician as spoilsman.

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## Command of the Army Act (1867)

The fight to control Reconstruction policies prompted Congress to take matters into its own hands. In 1867, Congress passed a series of acts to wrangle power out of the hands of President **Andrew Johnson**. The main premise of the Command of the Army Act required that any order issued to the **U.S. Army** be done only through the general in chief. The validity of this act would be tested with the **impeachment** trial of the president.

### *Background*

Members of Congress and President Johnson found themselves at odds over the handling of Reconstruction policies. Congress challenged Johnson's sympathetic program toward the former Confederate states and people, thus commencing action to strip the president of his authority over Reconstruction. Contending that the army followed congressional directives only since it was dissatisfied with the operations conducted under the president's initiative, members of Congress began their efforts to wrestle control of Reconstruction through various acts of legislation.

### *Reconstruction*

In 1867, ascertaining that the army sought direction from Congress and not President Johnson, Congress began taking steps to initiate its own Reconstruction policies. In *Acts and Resolutions, 39 Congress, 2 Session*, thus deemed the Command of the Army Act, dated March 2, 1867, Congress passed an additional provision to the Army Appropriations Act. The first stipulation enacted through this legislation defined the residence of the general of the army. Henceforth, the general was to establish his headquarters in the nation's

capital—a minor condition, but one that would put the general of the army in close proximity to the workings of the government, specifically Congress.

This piece of legislation further stipulated that operations of the military would solely be delivered through the general of the army. With this condition, the president, who was the commander in chief, was denied his right to issue commands directly to the nation's military. The secretary of war also was denied this authority.

In order to further strip the president of his powers, the Command of the Army Act also specified that the general in chief could not be taken out of office temporarily or permanently by presidential initiative alone. Henceforth, the Senate had to approve any such changes in the holder of this office. The general in chief could only be reassigned or removed if it was done at his own initiative.

In addition to these major limitations placed upon presidential authority, Congress also required that any **militia** that was in existence in the former Confederate states, with the exception of **Arkansas** and **Tennessee**, be immediately dispersed. Also, all military and Freedmen's Bureau officers were delegated the duty of preventing the implementation of violent punishments rendered by any illegitimate judicial body in these states.

In 1868, when President Johnson found himself before impeachment hearings, the ninth item of impeachment incorporated his violation of the Command of the Army Act by his action of conversing with a military officer. *See also* Bureau of Refugees, Freedmen, and Abandoned Lands; Congressional Reconstruction; Stanton, Edwin M.

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## **Compromise of 1877**

The Compromise of 1877, generally cited as the concluding event of the Reconstruction period, is draped in myth and legend, centering on a February 26, 1877, meeting in the Wormley House hotel in Washington, D.C. There the Republicans allegedly promised the end of Reconstruction efforts if southern Democrats cooperated in the election of **Rutherford B. Hayes**. The truth was both more and less complicated.

The Compromise of 1877 grew out of the presidential **election of 1876** and the Democrats' attempt to wrest control from the Republicans in the three

southern states still in Republican hands: **Florida**, **Louisiana**, and **South Carolina**. Democrat **Samuel J. Tilden**, the governor of New York, won the popular vote, but when uncontested state electoral votes were counted, Tilden had received 184 votes, one short of election. Republican rival Rutherford B. Hayes, the governor of Ohio, needed all of the disputed votes from four states: Oregon (one vote) and the three southern states (Florida, four; Louisiana, eight; and South Carolina, seven) still in Republican hands.

Democrats and Republicans in the three states leveled charges and countercharges of intimidation, corruption, and **violence**. White terrorists had prevented thousands of blacks from voting, and both ballots and ballot boxes were stolen. It was unclear to whom the states' electoral votes should go, and the Republican Senate and Democratic House could not reach an agreement on how to determine which votes should be counted. The nation had no precedent for handling a disputed presidential election. As a result, on January 29, 1877, Congress created a special **Electoral Commission** to investigate the situation in each state and determine which candidate should receive its electoral votes. The commission included five members of the House of Representatives, five of the Senate, and five of the **Supreme Court**. By party, the breakdown was seven Republicans, seven Democrats, and one neutral, the nonpartisan Justice David Davis of the Supreme Court. The independent Davis, who leaned toward Tilden's election, soon accepted election to the U.S. Senate from Illinois, a step unwisely supported by that state's Democrats; his removal from the commission put Justice Joseph P. Bradley in the fifteenth and deciding seat and turned the election to Hayes.

When Congress counted the electoral votes in February 1877, the first disputed state to have its vote counted was Florida. The Electoral Commission announced, in an 8 to 7 decision, that Florida's votes should go to the Republican Hayes. It reached the same conclusion for both Louisiana and



"A truce—not a compromise, but a chance for high-toned gentlemen to retire gracefully from their very civil declarations of war." Thomas Nast cartoon, 1877. (Courtesy of the Library of Congress.)



South Carolina. Unable to get the single vote needed by Tilden, the Democrats sought to delay the count with a filibuster.

Some prominent Democrats, assured by the Republicans that Hayes would not use federal power to support Republican governments in Louisiana and South Carolina (Florida had returned to Democratic control) and would support the return of “home rule” to that region’s states, were not inclined to cooperate and were in negotiations with Hayes’s advisors from December to March. During the campaign, Hayes had indicated his desire to see the end of federally enforced Reconstruction and the protection of black rights. Now he and the Republicans promised to support a southern-based transcontinental **railroad**, federal funds for the rebuilding of levees on the Mississippi River, and the appointment of a southerner as postmaster general, a position with extensive **patronage** powers. Allegedly negotiating these terms at the Wormley House hotel, the Democrats agreed in return to obey the three new constitutional amendments and to help in the election of **James A. Garfield**, an Ohio Republican, as Speaker of the House. As a result, the Democrats’ filibuster strategy failed, and on March 2, 1877, the electoral count was complete, with Hayes winning by a 185 to 184 vote. He was sworn in as president on March 3. Tilden accepted the election results despite the lack of constitutional basis for an Electoral Commission and the commission’s failure to investigate charges of corruption in the Republican-certified election results in the disputed states.

The Compromise and Hayes’s presidency were the culmination of the North’s growing disinterest in the continuing violence and political wrangling in the former Confederate states. Despite periodic attempts, the goal of equal citizenship for black Americans had to wait until the middle of the next century for renewed federal support. Political Reconstruction was over. *See also* Redemption.

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## Confiscation Acts

During the Civil War, the U.S. Congress, in the First and Second Confiscation Acts, put in place sweeping confiscation programs designed to seize the private property of enemy citizens on a massive scale. These measures demonstrated two significant shifts on the part of the federal government and the North in general: a growing recognition regarding the expanding totality of the war effort, and an increasing understanding of the centrality of slavery to the Confederate war effort and the war itself.

Meeting in special session in August 1861, the U.S. Congress passed the First Confiscation Act, authorizing the federal government to seize the property of those participating directly in the rebellion. Ten months later, in July 1862, the burgeoning faction that came to be called **Radical Republicans** pushed Congress into passing the much broader Second Confiscation Act. This expansive law permitted the Union government to seize all the real and personal property of anyone taking up arms against the government, anyone aiding the rebellion directly, anyone offering aid or comfort to the rebellion, or any property being used to support the war effort. This effectively meant that U.S. forces could legally seize any and all property of all those who recognized or supported the legitimacy of the Confederacy.

These acts revealed contradictory attitudes within the North. First, the idea of confiscation itself reflected a developing radicalism in the North. Although the seizing of Confederate property was not surprising or new, the intended nature of the property was: slaves. Since Confederates were quite fixed on considering the southern **African American** population as property, Radicals in Congress decided to turn the tables and used their definitions against them. Thousands of slaves had already self-**emancipated** themselves, fleeing plantations and towns and heading toward the invading Union armies. Some generals embraced these “**contrabands**” as a form of proper moral retribution for slavery, while others saw it merely as a practical way of damaging the South. After all, with such a large portion of the white male population under arms, the Confederacy depended on the labor of slaves. Although primarily involved in **agriculture**, slaves also worked in the mines, built roads, **railroads**, and bridges, and even constructed forts and defensive systems. Defining them as “property” used to aid in the rebellion allowed federal officers to seize them and argue—a bit disingenuously—that they were not freeing slaves, but merely attacking the Confederate war machine. With the coming of the Emancipation Proclamation on January 1, 1863, federal officials no longer needed any pretense or subterfuge.

Yet, in other ways, federal confiscation policy showed a conservative side of Union efforts. The Civil War represented, after the American Revolution, the second great American experiment with broad legislative confiscation during wartime. The Civil War is justly described as America’s second revolution, yet the Civil War experience with confiscation reveals the extent to which—when it came to the relationship of property and the state—the country had changed from the time of the first revolution to the second. The outcomes of these two wartime experiments with confiscation were nearly opposite. Revolutionary confiscation was marked by the quick, decisive, vigorous pursuit of disloyal property. A great deal of Loyalist (or Tory) property was seized permanently, without compensation or recourse to the courts (the 1783 Treaty of Paris did address this, but colonists-turned-Americans never fully made amends).

Eighty years later, confiscation met quite a different fate. During the Civil War, Union confiscation was marked by an agonized, intractable, ideological impasse. Union confiscation defied legislative consensus and mostly failed in practice as a result. Relatively little property was in fact confiscated, and—with the exception of slaves—the Second Confiscation Act was more or less

ignored by President **Abraham Lincoln** and the executive branch during the war. It then languished in the federal courts for decades afterward. No one can accurately account for the private, unofficial acts of confiscation attributed to Union troops in the South, but the official acts of confiscation were carefully registered, bureaucratically handled, and even frequently compensated. The grandest threat of confiscation never came to fruition—the Radical’s demand that plantations be taken from Confederates and divided among the freed-people. Even such obvious actions as seizing abandoned homesteads were only temporary; nearly all lands and homes were returned to their former owners in the years after the war. The Revolutionary precedent of zealous confiscation had met its inverse in Civil War paralysis.

In both sections, the constitutionality and legal legitimacy of confiscation produced fierce, explicit, and sustained debate. This debate was not primarily between academics, but among legislators and lawyers, with the property of millions at stake. Legislators were thrown back upon first principles, forced to articulate their vision of property, and just as important, to attempt to turn that vision into law and into policy. Congress came to a nearly paralyzing stalemate when it came to confiscating rebel property. In the end, Congress did produce a bill, but an internally divided one that seemed at once to promote widespread confiscation, while at the same time providing for a painstaking method of enforcement that made widespread confiscation nearly impossible. This internally inconsistent law was not the result of incompetence, or loss of focus, or due to the fact that confiscation was considered relatively unimportant. Instead, months of debate in the midst of war revealed that confiscation was fundamentally divisive along ideological lines and so defied legislative consensus.

This ideological deadlock is the most interesting aspect of the Union confiscation debates. In a time of exuberant and transformative change, when it came to the confiscation of enemy property, Congress, surprisingly, restrained itself. Confiscation revealed, as it almost necessarily must, core conceptual differences surrounding the competing rights of property, the demands of citizenship, and the prerogatives of sovereign power. Even as war raged, the making of confiscation policy prompted fundamental questions about the basis of private property, the nature of the **U.S. Constitution**, and the relationship of individual property rights to the needs of the state. Together, Civil War sequestration and confiscation belong within the context of landmark American debates over property. They were legislative programs that tested, and ultimately changed, the extent of sovereign power over property at mid-century. *See also* Abolition of Slavery; Amnesty Proclamations; Bureau of Refugees, Freedmen, and Abandoned Lands; Edisto Island, South Carolina; Field Order No. 15; Howard, Oliver Otis; Loyalty Oaths; Pardons; Port Royal Experiment; Southern Claims Commission (SCC); Stevens, Thaddeus; U.S. Army and Reconstruction.

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## Congressional Reconstruction

Reconstruction, the process of restoring the Confederacy to the Union following the Civil War, proceeded in two distinct phases—**Presidential Reconstruction** and Congressional Reconstruction. Congressional Reconstruction refers to the stage of that process when Congress, rather than Presidents **Abraham Lincoln** and **Andrew Johnson**, took the initiative in determining policy.

### *Presidential Efforts*

Even as the Civil War raged, northerners debated the future of the seceded states. In 1863, Lincoln outlined his plan for restoring the former Confederate states to the Union. He offered a general **amnesty** to all Confederates, except prominent political and military leaders, and a restoration of property, except slaves. His plan specified that the southern states could create new state governments once 10 percent of the eligible white male voters pledged an oath of allegiance to the Constitution. Many **Moderate Republicans**, who also favored lenient terms and a quick restoration, supported Lincoln's Ten Percent Plan. The **Radical Republicans**, however, were anxious to punish white southerners with **disfranchisement** and loss of property. They lobbied for full **civil rights** for blacks, including the right to vote, and hoped to give them lands confiscated from the ex-Confederates.

While Moderates and Republicans disagreed on Reconstruction policy, they did agree that Congress should play a role in the process. Therefore, they rejected Lincoln's lenient plan in favor of the **Wade-Davis Bill**, which required a majority of the white males, not 10 percent, to swear an oath to the Constitution and barred ex-Confederates from voting for delegates to a **constitutional convention** that would establish a new state government. Lincoln used a pocket veto to kill the measure, sparking an angry response from Congress. It became obvious that the Republicans could not reach a consensus, and Reconstruction became an improvised process of compromise that evolved as circumstances dictated. When the war ended in the spring of 1865, the debate continued, and key questions remained unanswered. Who would control Reconstruction? What would happen to the former slaves? What would be the terms for the southern states' **readmission**? An assassin's bullet prevented Lincoln from fulfilling his dream of seeing the United States restored. Now that challenge belonged to Andrew Johnson.

Like Lincoln, Johnson favored a quick restoration with lenient terms. In May 1865, he outlined a plan that restored civil and political rights to all ex-rebels, except fourteen exempt groups such as prominent political and military leaders and those with more than \$20,000 in taxable property. Johnson required these men to apply to him for **pardons**. He recognized the Lincoln-sponsored governments of **Arkansas**, **Louisiana**, **Tennessee**, and **Virginia**, and he

appointed **provisional governors** in the remaining seven unreconstructed states. These governors were to organize state conventions that drafted new constitutions abolishing slavery, repudiate state debts incurred under the Confederacy, and nullify ordinances of secession. Elections could then be held for state and federal officials. Once the new state legislatures endorsed the **Thirteenth Amendment**, martial law would end, federal troops would be withdrawn, and the states could resume their place in the Union.

From the outset, white southerners defied Johnson's program. Some states refused to ratify the Thirteenth Amendment, others repealed rather than nullified their secession ordinances, and many balked at repudiating the Confederate debt. The new state legislatures also passed a series of laws known as the **Black Codes** to restrict black civil rights. Most brazen of all, the states elected high-ranking Confederate civil and military officials as convention delegates, state legislators, and congressmen. Although irritated, Johnson ignored such actions because he hoped to woo white southerners into a coalition with northern Democrats and Conservative Republicans. This new Conservative Party, with Johnson as its leader, would then dominate national politics.

### *Congress Asserts Itself*

In December 1865, Congress refused to seat the new southern delegates and insisted on major revisions to Johnson's program. To supervise these revisions, Congress created a **Joint Committee on Reconstruction** to examine all future resolutions on restoration. While the Radicals continued to push for Confederate disfranchisement and full civil rights for the freedmen, the Moderates objected to the Radical agenda. They merely wanted to secure basic civil rights for the blacks (not including the right to vote) and to prevent prominent ex-rebels from reasserting control of the South. The Moderates courted Johnson's approval of a new **Freedmen's Bureau Bill** and a **Civil Rights Act**. Although both measures passed easily, the president shocked the Republicans by vetoing both. In retaliation, Moderate and Radical Republicans united to override the veto of the Civil Rights Act and to pass a new Freedmen's Bureau bill.

### *Congressional Reconstruction: First Phase*

Republicans soon acknowledged that Johnson would never acquiesce to their objectives regarding Reconstruction. Therefore, the Joint Committee on Reconstruction proposed an amendment to the Constitution. In June 1866, after months of deliberation, the **Fourteenth Amendment** passed both houses of Congress with the necessary two-thirds majority. The result was an awkward compromise between the Radicals and Moderates. The amendment essentially became the Republican peace treaty for the Confederacy.

To protect blacks, it defined all native-born and naturalized persons as citizens and prohibited states from denying any person equal protection under the law. Also, while blacks were not granted **suffrage**, any state that withheld the vote from its adult male citizens would have its congressional representation reduced proportionally. This allowed the Republicans to prevent the

former Confederate states from increasing their congressional representation in the absence of the Three-Fifths Compromise. The Confederate debt was voided, and the amendment stipulated that any person who had sworn to uphold the Constitution and then supported the rebellion was now disqualified from federal and state offices (although a two-thirds vote by Congress could remove the disability).

For the amendment to become part of the Constitution, it needed a three-fourths vote of approval from the states, including some former Confederate states. Johnson discouraged the southern states from approving the amendment, claiming that it was unconstitutional since Congress had no right to submit an amendment without the southern states being represented in Congress. Johnson's home state of Tennessee ratified it in July 1866, and became the first Confederate state to reenter the Union.

Undaunted, Johnson embarked on a speaking tour of the northeastern and midwestern states to drum up support for his policies. Although his so-called **Swing Around the Circle** began favorably, hostile crowds soon challenged his depiction of the Republicans as traitors. Johnson often bantered with the hecklers, adding fuel to the fire. Reporters criticized his undignified emotional displays, and Radicals portrayed him and his supporters as the true traitors to the Union.

Johnson's antics and his resistance to the Fourteenth Amendment, coupled with **race riots** in Memphis and New Orleans, convinced northern voters that the president's policies had failed. The Republicans swept the **elections of 1866**, gaining a huge majority in Congress, winning all northern gubernatorial contests, and controlling every northern state's legislature. Johnson's bid for a new conservative coalition collapsed, and Republicans believed they could now force a recalcitrant South into submission.

### ***Congressional Reconstruction: Second Phase***

Before the Fourteenth Amendment could be adopted, at least some of the unreconstructed states had to ratify it. The first step toward this goal required Congress to force compliance with the **Military Reconstruction Act**. Passed in March 1867 over the president's veto, the law declared that the ten Johnson-supported state governments were provisional and divided them into five military districts, each commanded by a major general. Congress granted the army authority to supervise the registration of all male voters, including blacks but excluding whites who were barred by the Fourteenth Amendment. Once registered, voters would elect delegates to participate in state conventions where they would frame new constitutions providing for **black suffrage** and barring prominent ex-rebels from holding state and federal offices. Once Congress approved the new constitutions, elections for state and national office would follow, and the new legislatures would be required to ratify the Fourteenth Amendment. Reconstruction would then end. Although the provisions of the Military Reconstruction Act fell far short of the restructuring of southern society sought by the Radicals, they did secure the Moderates' two key requirements of protecting black rights and preventing the former Confederates from returning to power.

To curtail the president's power, Congress passed two statutes of questionable constitutionality. The **Command of the Army Act**, a provision of the 1867 Army Appropriations Act, required Johnson to issue all orders to subordinate army commanders through the general in chief of the army, **Ulysses S. Grant**. The Radicals hoped thereby that Grant could control Johnson's actions. The most direct challenge to presidential authority, however, was the **Tenure of Office Act**, which authorized an official appointed with the Senate's consent to remain in office until that body approved a successor. Ostensibly intended to protect **patronage** offices, in reality, the law was designed to prevent the removal of Secretary of War **Edwin Stanton**, a Radical in Johnson's inherited cabinet. Although Johnson vetoed the Tenure of Office Act, he signed the Military Appropriations Bill in order to fund the army. However, he strongly protested its command provisions.

Meanwhile, white southerners refused to succumb to congressional demands and fought to delay the registration of voters indefinitely. Congress passed a Second Military Reconstruction Act in March 1867, authorizing district military commanders to initiate the process of voter registration, convene the conventions, and schedule the elections. Again, Johnson vetoed the bill, and again, Congress overrode the veto. When Johnson authorized Attorney General **Henry Stanbery** to issue a ruling that limited military authority in the South to policing duties and prevented commanders from removing civilian officials, Congress passed yet another Military Reconstruction Act in July 1867, declaring the army's supremacy over southern civilian governments.

White southerners discovered a loophole in the original Reconstruction Act. Since it mandated that a majority of registered voters was needed to affirm the new constitutions, they thought that by persuading or coercing enough voters to stay home, passage of the constitutions could be prevented. Congress quickly closed the loophole, however, by passing the Fourth Military Reconstruction Act in March 1868. This one required ratification of the constitutions by only a majority of those actually voting. By June 1868, six states—**Alabama, North Carolina, South Carolina**, Arkansas, Louisiana, and **Florida**—had approved constitutions, elected government officials, ratified the Fourteenth Amendment, and rejoined the Union.

### *Impeachment of Johnson*

Johnson was appalled at congressional efforts to enfranchise blacks while disfranchising the very southern whites he hoped to entice into a conservative coalition for the **election of 1868**. While he could not prevent the Republican majority from legislating their program, he planned to impede its progress. Despite attempts to restrict Johnson's authority and power, the president retained a considerable capacity to obstruct congressional efforts. As commander in chief, he could appoint conservative generals to administer the five military districts, and as chief executive, he could interpret the Reconstruction Act narrowly in terms of its enforcement. Radicals recognized Johnson's intent and advocated his removal from office. Their first attempt occurred in January 1867, when the House authorized the Judiciary Committee to investigate the possibility of **impeachment**. However, Moderates dominated the committee

and saw no reason to take such an extreme step. While Radicals claimed that the president's thwarting of congressional legislation constituted a misuse of power and grounds for impeachment, Moderates insisted that officials could only be removed from office for indictable crimes.

The Radicals launched another impeachment effort after Johnson suspended Secretary of War Edwin Stanton in August 1867 and began to replace generals such as **Philip H. Sheridan** and **Daniel E. Sickles**, who had energetically enforced the Reconstruction Acts. However, Moderates again stood by the president. Johnson's suspension of Stanton occurred when Congress was in recess; therefore, it technically did not violate the Tenure of Office Act, provided Congress agreed with the suspension when it reconvened. Moreover, Democrats had gained ground on the Republicans in the 1867 elections. Black suffrage and the continued occupation of the southern states were unpopular issues in the North, and the Moderates feared Johnson would become a martyr. The Radicals forced a House vote on impeachment, but without Moderate support, the resolution failed, 108 to 57. Johnson's subsequent actions, however, resurrected the specter of impeachment one last time.

Determined to rid himself of Stanton, the president replaced him in February 1868, this time with Adjutant General **Lorenzo Thomas**. Since the Senate was in session, Johnson's actions allegedly violated the Tenure of Office Act and prompted another outcry for his impeachment. This time, the Moderates voted with the Radicals, and the president was impeached by a party-line vote of 126 to 47 on February 24, 1868. House prosecutors, known as managers, proffered eleven charges against the president. Eight dealt with his apparent violation of the Tenure of Office Act, while one accused the president of attempting to circumvent the army's chain of command in violation of the rider to the Army Appropriations Bill of 1867. The tenth article accused Johnson of bringing Congress into disrepute with his public pronouncements, and the final article drew together charges from the previous ten. Johnson's able legal team claimed that he had committed no crime in testing the constitutionality of the Tenure of Office Act, and they argued that even if the act were constitutional, it did not apply to Stanton, who had been appointed by Lincoln.

Although Moderate Republicans abhorred Johnson, many feared his removal would pave the way for future Congresses with a two-thirds majority to remove any president who disagreed with their proposals. The constitutional balance of power would be destroyed. Moderates also distrusted radical **Benjamin Wade**, president pro tem of the Senate and next in line to the presidency. Using intermediaries, Johnson and the Moderates worked toward a compromise. The president gave no more speeches or interviews denouncing Congress, and he promised to enforce Reconstruction Acts. Johnson also appointed the well respected General **John M. Schofield** as secretary of war. On May 16, 1868, the Senate voted on the eleventh article of impeachment, 35 to 19. All twelve Democrats and seven Moderate Republicans voted against removal. With a two-thirds majority (thirty-six votes) needed to remove the president from office, Johnson had been saved by one single vote. Votes on articles 2 and 3 on May 26 had the same result, forcing the **impeachment managers** to concede defeat.

During his final months in office, Johnson continued to defy Congress by vetoing Reconstruction bills that the Republicans easily overrode and



delivering speeches critical of the Radicals. Naively, he clung to the hope that the **Democratic Party** would nominate him for president in 1868. However, the party threw its support behind New York Governor **Horatio Seymour**, leaving Johnson to be a president without a party and with no influence on national policy.

### *Congressional Reconstruction: Third Phase*

While the nation focused on the duel between Johnson and Congress, Reconstruction marched forward. Hundreds of thousands of black southerners registered to vote, while many whites refused to participate. A coalition of blacks, southern white Republicans (known to their Confederate neighbors as “**scalawags**”), and recent northern transplants or “**carpetbaggers**” united to direct the proceedings at the conventions. The progressive constitutions produced there granted universal manhood suffrage and provided for statewide public schools. Many also disqualified a small percentage of ex-Confederates from voting and participating in the political process. By 1872, however, those disqualifications were removed, and all former rebels could vote and hold office.

By mid-1868, North Carolina, South Carolina, Florida, Alabama, Arkansas, and Louisiana had ratified new constitutions and elected new officials. Not surprisingly, the Republican coalition won control of the states. The new legislatures promptly ratified the Fourteenth Amendment, and the states rejoined the Union. **Georgia, Texas, Virginia, and Mississippi** would follow by 1870.

The **election of 1868** served as a referendum on Republican Reconstruction policy. Republican **Ulysses S. Grant** easily defeated his Democratic challenger, **Horatio Seymour**, in the Electoral College vote. Had it not been for black votes in the South, however, Grant would have lost the popular vote. The results of the 1868 election, along with the northern state elections in 1867, demonstrated that Democrats had gained ground in the North by campaigning against governmental activism, black suffrage, and the so-called bayonet rule in the South.

Republicans scrambled to strengthen the party. They passed the **Fifteenth Amendment** to the Constitution in February 1869, nationalizing black voting rights. Despite the unpopularity of black suffrage in the North, Republicans reasoned that their survival, especially in the South, depended on increasing their voter base. While Republicans focused their attention on securing the votes of southern blacks, they lost support in the North. Their reformist coalition splintered because of the issue of black suffrage and the increasing probusiness policies of the party. Therefore, securing votes from southern blacks became even more crucial to the party’s control of the federal government.

In the South, however, conditions worked against the Republicans. Tensions between northerners and southerners and between blacks and whites, together with the extreme hostility toward the Republicans among white southerners, fractured the party in various elections. Between 1869 and 1874, seven states returned to white Democratic control: Virginia, North Carolina, Tennessee, Alabama, Georgia, Texas, and Arkansas.

The growth of the **Ku Klux Klan** and similar groups accelerated the collapse of the southern Republican coalition. These organizations waged a successful guerrilla war against Republicans across the South. Using intimidation and **violence**, these groups prevented southern Republicans, especially blacks, from voting. Except in Arkansas, North Carolina, and Tennessee, the state **militias** were incapable of controlling the insurgents. Republican governments turned to Washington for help, and Congress responded with the **Enforcement Acts** in 1870–1871. These acts protected a citizen’s right to vote and outlawed groups such as the Klan. Using provisions that allowed the president to suspend the writ of habeas corpus in areas he deemed to be in a state of insurrection, the Grant administration drove the Klan underground in time for the election of 1872.

This election presented another serious challenge to the Republicans, however. Tired of the **scandal** and corruption that had plagued the Grant administration, a splinter group known as the **Liberal Republicans** allied with the Democrats. Rallying behind presidential candidate **Horace Greeley**, the parties promised to clean up the corruption rampant in American society and to end Reconstruction once and for all.

Despite the efforts of his adversaries, Grant won an impressive reelection. Almost immediately afterward, however, the party’s momentum began to lag. In 1873, a depression swept the nation. Northern voters registered their dissatisfaction with Republican economic policies by giving the Democrats control of Congress. Many Republicans remained committed to black rights and pushed through Congress the **Civil Rights Act of 1875**, which outlawed segregation. This was the last piece of Reconstruction legislation. That same year, Democrats in Mississippi used economic and social pressure along with violence to win control of the state from the Republicans. The North had grown tired of the ongoing struggle in the South. Most northern whites believed that the three amendments to the Constitution were enough because blacks now had legal equality.

The presidential **election of 1876** brought down the final curtain on Reconstruction. Republican candidate **Rutherford B. Hayes** ran against Democratic hopeful **Samuel Tilden** of New York. Although Tilden won the popular vote, the electoral votes of South Carolina, Florida, and Louisiana were disputed. If Hayes won all three states, he would win the presidency. The Republicans struck a deal. Known as the **Compromise of 1877**, the informal pact stipulated that if the Democrats agreed not to challenge Hayes’s claim to the presidency, the Republicans would remove the remaining federal troops from the South and not oppose new Democratic state governments.

Without federal support, the remaining Republican state governments in the South collapsed, and Democrats gained control of the southern political process. White southerners gradually established laws to segregate the black population and disenfranchise them through **poll taxes**, literacy tests, intimidation, and violence. The U.S. **Supreme Court** supported their efforts by issuing conservative rulings. An 1883 decision, for example, declared the Civil Rights Act of 1875 unconstitutional except in cases of juries, and the landmark 1896 *Plessy v. Ferguson* decision sanctioned segregation through the doctrine of separate but equal. The two Republican goals following the Civil War of

protecting black civil rights and preventing the ex-Confederates from regaining power had failed. During the first half of the twentieth century, the South became a rigidly segregated society dominated by an all-white Democratic Party.

Historians continue to debate the success of Reconstruction. The effort to transform the South and turn the freedpeople into citizens was not entirely successful, yet considering the prevailing racism of the time, much was accomplished. Reconstruction left the important legacy of the federal government's commitment to equality under the law. Unfortunately, it would take another century, until the civil rights movement, before blacks would enjoy the promises of the Fourteenth and Fifteenth Amendments. *See also* Abolition of Slavery; Bureau of Refugees, Freedmen, and Abandoned Lands; Memphis Riot; New Orleans Riot; Recusants; Redemption; Scandals; U.S. Army and Reconstruction.

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*John D. Fowler*

### **Conkling, Roscoe (1829-1888)**

Roscoe Conkling was the ideal target for reformer's criticism. Vain and simply cocky, Conkling worried not about the issues of the day but directed his talent toward **patronage** and related matters. He supported **Radical Reconstruction**, which, in some political circles, did more harm than good.

Born in Albany, New York, on October 30, 1829, Roscoe was the son of Eliza Cockburn and Alfred Conkling, a leading Whig congressman. With no formal training, Conkling became a lawyer in Utica and quickly became district attorney in 1850. The nuts and bolts of politics attracted him. Four years later, he helped in the creation of the New York State Republican Party. Even his marriage had political overtones. His bride, Jane Seymour, was the sister of **Horatio Seymour**, New York's Democratic governor and a political force in the Empire State for years.

After serving as mayor of Utica, Conkling was elected to the U.S. House of Representatives where he served, except for the years 1863 to 1865. He became the senator from New York in 1867. Upset over patronage issues, he resigned his office in 1881. The New York legislature rejected his efforts to return.

An advocate of physical exercise and moderate in his personal habits, Conkling's hair was the talk of town with its spit curls and shoulder length. He was always dressed to the nines. Distant with both friend and foe, his savage wit (and political office) kept his political friends and foes in order. He clashed with **Rutherford B. Hayes** over patronage, claiming "senatorial courtesy."

Retired from office in 1881, he rejected an appointment to the **Supreme Court**. In his last years, he practiced law. *San Mateo County v. Southern Pacific Railroad Company* (1885) was his famous case in which he argued a most dubious point. Along with his fellow lawyers, Conkling argued for a "conspiracy theory" in regard to the creation of the **Fourteenth Amendment**. He claimed that the amendment's objective was the protection of corporate property from state and federal regulation and supervision. Due process and civil liberties were apparently a sideshow for the authors of the amendment. Until the 1930s, this conspiracy theory held sway in scholarly and reform circles.

His personal vanity contributed to his death. Caught in a snowstorm in March 1888, he walked home. He collapsed at his doorstep and died on April 18, 1888. No great achievement is connected to his name; only his life and career were upheld as ripe examples of the political culture of the Gilded Age, which hastened the demise of Reconstruction in all of its various forms.

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*Donald K. Pickens*

**Constitution.** See U.S. Constitution.

## Constitutional Conventions

The **Military Reconstruction Acts**, passed by the U.S. Congress in early 1867, required that southern states revise their constitutions before they would be readmitted into the full privileges of statehood. Delegates to the conventions that rewrote southern state constitutions were elected in late 1867, in elections supervised by the **military governors** appointed to run southern states under the auspices of the Reconstruction Acts. Black voters turned out and supported Republican candidates for these conventions in huge numbers. In many places, their conservative opponents boycotted the elections entirely. As a result, these political bodies were typically controlled by Radicals and they included significant, though by no means overwhelming, representation from the **African American** community. White northerners comprised about one-sixth of the delegates, white southerners the majority, and southern blacks the rest. Only in **South Carolina** and **Louisiana** did blacks make up a majority of members.

Despite the condemnation heaped upon the conventions and the resulting constitutions by white conservatives, most of the changes made to state constitutions were well within the contemporary traditions of state governance. The most important and radical change enshrined in the new constitutions was equality before the law for all citizens, but none of the constitutions mandated social integration, nor did any enact land redistribution. White critics in the South relied on bigotry and fear to spur opposition, but they were ultimately unsuccessful at blocking passage of the new rules. Even in South Carolina, where conservatives possessed deep strength, the constitution passed by a majority of three to one. After the constitutions were passed, new elections were held, Congress confirmed the constitutions, and power was restored from military to civil officials.

The constitutional conventions addressed three major areas of state administration: voting regulations, rules regarding office holding, and general social policies. Foremost among the changes insisted upon by Congress was the enfranchisement of black men. As a result, Republican delegates in all the southern states devised methods of opening the vote to all men. In some places, black voting was expressly sanctioned, while in others, universal **suffrage** was established. Up-country Republicans, mostly white, who had opposed secession and the Confederacy through the war, argued for extensive **disfranchisement** of ex-Confederates, but this was not widely supported by black delegates. African American delegates advocated full access to the vote on principle and were generally reluctant to institutionalize restrictions on suffrage. As a result, only a few states expressly disfranchised ex-Confederates.

In several states, Republican delegates enacted changes to the structure of state government that both increased popular access and helped diminish the power of prewar political elites. One important change was to repeal the remaining qualifications for office holding, mostly property owning thresholds, that remained in many southern states. This helped lay the groundwork for Republican governments to assume power in the South since many of their white and black southern delegates were substantially less wealthy than prewar legislators had been. For the most part, the qualifications were undemocratic provisions that had angered white yeomen in the antebellum period. In **Virginia**, for instance, western residents had long complained about the state apportionment system that favored large landholders in the East. South Carolina—where delegates abolished property qualifications for office holding and gave voters the power to elect the governor, state officers, and presidential electors—saw the first truly democratic charter in that state's history.

Convention delegates also empowered state governments to address some of the multitude of social problems that confronted the postbellum South. Of paramount importance was establishing school systems to educate former slaves. Southern states did not maintain systems of public **education** in the antebellum period, so this marked a sharp divergence in public policy. All the former Confederate states provided for free education of all persons age five to twenty-one. Opposition to public education came from three directions. Social conservatives had long viewed education as a privilege belonging only to those who could afford it, fiscal conservatives objected on the grounds that the system would prove ruinously costly, and whites predicted that a public

system would bring integrated schools and massive social disorder. Republican delegates argued that education formed the only sound basis for an informed citizenry. African Americans had already demonstrated an insatiable demand for schooling and most saw education as the only reliable path for the upward mobility of their children. Though unpopular, these delegates endorsed new taxes and land sales in order to generate the revenue for schools. Integrated schools proved to be one of the many red herring arguments adopted by conservatives. Only in New Orleans and parts of South Carolina were integrated schools established. In all other states, African Americans were so eager for education that the issue of segregation did not diminish the importance of establishing the system.

Outside of their policy initiatives, the constitutional conventions provided a mobilization point for African Americans and Republicans. The process of forging the coalitions that would lead southern Republican governments for the next decade began in the halls of these conventions. Hindsight also allows us to identify the fault lines hidden in these coalitions from their very inception. Black delegates focused on **civil rights**, access to the vote, land, and fair labor policies. Northern white Republicans looked ahead to economic development, and southern white Republicans sought moderate change and the racial status quo. The conventions also helped focus white opposition to black and Republican political activism. Conservative delegates opposed the new constitutions from within the conventions themselves, while white conservatives worked to defeat them at the polls. Boycotts of the ratification elections worked in **Alabama** because Congress had initially required that a majority of registered voters needed to approve the new constitution. The opposition was strident and blatantly racist in its tactics, particularly in accusing Republican delegates of promoting social equality between the races, an issue most of the conventions avoided entirely.

Like most of Reconstruction, assessing the character of the constitutional conventions depends on the perspective that historians adopt. White conservatives saw the new constitutions as radical documents destined to destroy the South. Black Republicans regarded them as not radical enough, especially with regard to their hopes for land redistribution. Ultimately, the constitutions can be regarded as progressive but not revolutionary. Despite the intensity of opposition from conservative whites, most of the constitutions lasted a full generation, testimony to their effectiveness and to their essentially moderate nature. *See also* Black Suffrage; Readmission.

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*Aaron Sheehan-Dean*

## Contraband, Slaves as

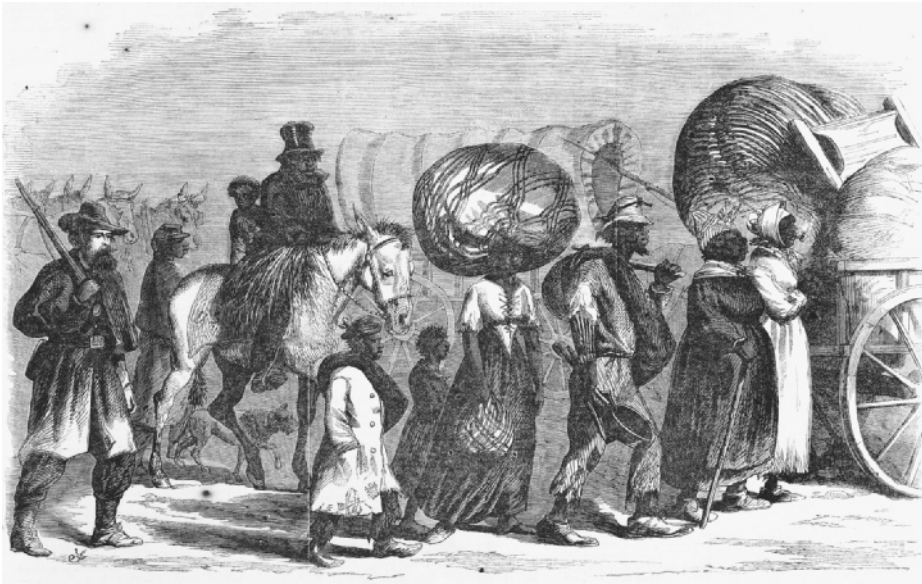
By fleeing bondage during the Civil War, slaves began the process of Reconstruction; fugitives seeking freedom behind Union army lines were known as contrabands. The name arose from the phrase “contraband of war,” or

enemy property confiscated during wartime. Defining slaves as contraband allowed army officers to **emancipate** without undermining the premise that slaves were property. Classifying slaves as contraband influenced Reconstruction by implanting ambiguity within Union policy toward former slaves.

In May 1861, three slaves fled to Union general **Benjamin Butler**'s lines at Fortress Monroe, **Virginia**. The runaways' owner, a Confederate officer, demanded their return. Butler refused: The slaves had been building fortifications for the Confederacy, and were contraband of war, subject to confiscation by the Union army. Congress validated Butler's actions with the **Confiscation Acts**. The First Confiscation Act (August 1861) allowed army officers to divest slaveholders of slaves used to aid the Confederacy. The Second Confiscation Act (July 1862) authorized the confiscation of rebels' property (including slaves), whether or not that property assisted the Confederacy. Contrabands provided invaluable services to the Union army, including military intelligence and camp labor. After 1862, many became Union soldiers. To many Union officials, the purpose of defining slaves as contraband was to deprive the Confederacy of labor while gaining labor for the Union. To former slaves, contraband status represented one step toward full freedom. These goals sometimes clashed.

By late 1862, fugitives were directed into contraband camps run by the Union army, often with the assistance of philanthropic organizations like the **American Missionary Association (AMA)**. Later, the **Bureau of Refugees, Freedmen, and Abandoned Lands** (the Freedmen's Bureau) became involved. In camps, former slaves worshipped, founded schools and organizations, and labored for the army and themselves; however, overcrowding led to shortages, unsanitary conditions, and disease. In many areas, the only pieces of land large enough to accommodate contrabands were confiscated plantations. Northern investors often leased these plantations and impressed contrabands to work on them to demonstrate the profitability of free labor. **Wage-labor systems** on government-leased plantations did not re-create slavery, but they fell far short of former slaves' hopes for freedom. Instances in which slaves leased land, such as **Davis Bend, Mississippi**, delivered more promising results, but advances evaporated when President **Andrew Johnson** later returned land to former Confederates.

The impact of defining slaves as contraband was mixed. Since it pragmatically allowed army officers to free slaves while sidestepping moral questions, contraband policy emancipated many slaves earlier than otherwise would have been the case, because even northerners wary of **abolition** acknowledged the benefits of depriving Confederates of slave labor. Contraband policy also created opportunities, which slaves eagerly seized, to play active roles in the war. Afterward, freedpeople could assert full membership in the Union they helped to save. Yet, by confiscating slaves as property, contraband policy perpetuated tensions in slaves' status and rights, which shaped Reconstruction. Further, the narrow practical rationale behind contraband policy robbed emancipation of an expansive ideological foundation capable of supporting racial progress, and limited the responsibility that white northerners felt toward freedpeople during and after Reconstruction. *See also* Agriculture; Sharecropping.



Contrabands accompanying the line of William T. Sherman's march through Georgia, 1864. (Courtesy of the Library of Congress.)

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*Chandra Miller Manning*

## Contracts

The end of the American Civil War brought a sea change of alterations to the South and the nation. The imposition of free labor ideology on the South by the victorious North dictated the type of transformations that would be expected. Passage of the **Thirteenth Amendment** ended the institution of slavery that had helped to sustain large-scale **agricultural** production in the region since its introduction into Colonial Virginia. Such changes affected virtually every facet of labor relations between those who had been masters and those who had been slaves.

Freedom also brought new opportunities and responsibilities for the former slaves. In relatively short order, blacks left the slave quarters and the gang labor of the antebellum period to live as tenants responsible for working a portion of the land for the maintenance of themselves and their families and the profit of the landowners. This decentralization of the plantation represented the most significant physical alteration of the system, but others, like the introduction of contracts, proved to be important developments in the lives of the former slaves as well.



In order to return plantation lands to productivity, landowners and laborers had to reach new accommodations. Planters sought the security of a stable workforce that would continue to function, while former slaves desired to create conditions reflective of their newfound freedom. As slaves, they had been commodities themselves, to be bought and sold or used as chattel or property. As free persons, former slaves entered the economic sphere as individuals who, theoretically at least, had choices about where and for whom they would work.

Profits and paternalism had shaped the “peculiar institution” prior to the war and established the parameters for those working under it. Masters accepted the obligation of providing the basic needs for enslaved people as an essential element of the sustaining notion that those individuals could not care for themselves without the masters’ supervision. Inherent in this mentality was the sense that the support and protection of their charges would produce a reciprocal sense of loyalty and affection; while firmness and coercion would create docility and obedience.

The transition to a free **labor system** meant an end to that sense of obligation. Former slaves would now be expected to fend for themselves, using the fruits of their labor for their own sustenance. Contracts for these freed laborers in this transitional period were supposed to protect both parties to the agreement by requiring that duties be carried out while ensuring the basic rights of the workers. Abuses were virtually inevitable.

Powerful legacies of slavery persisted, including limited **education** that made it difficult for former slaves to read and understand the contracts they were now expected to negotiate and enter into with their former masters. Agents of the **Bureau of Refugees, Freedmen, and Abandoned Lands** hoped to assist the freed laborers in making the transition from slavery to freedom. The bureau performed a balancing act between the competing interests of the planter and the worker that sought to create a favorable condition for both parties, but often varied according to the inclinations of the agents who supervised the specifications of each contract. Tied as it was to the most conservative of institutions—the army—the Freedmen’s Bureau established a priority of returning workers to the plantation.

The contracts the planters and workers entered into in the immediate aftermath of the war were often very basic documents. They specified wages, usually to be held until the crop was sold or the end of the year, and required little more in return than faithful and diligent service. Increasingly, these contracts also stipulated behaviors and restrictions on free men and women that were reminiscent of slavery. They became more elaborate with sets of rules that implemented deductions for various offenses, such as time lost from work or broken and misplaced tools that had to be replaced. In such instances, the planter or designated representative determined compliance, with enforcement consisting of deduction or forfeiture of wages by the worker. Clearly, these contracts left the power in the hands of the landowners in much the same way it had existed under slavery and by people who maintained the same type of expectations they had formerly held of their slaves.

Yet, with **emancipation**, and without an abundance of working capital, planters could not completely replicate a slave system. They had to adjust to

the new conditions themselves, and did so relatively quickly; first with “share wages,” paid collectively, and then “**sharecropping**” arrangements, worked out individually with the former slaves.

The “share wage” system proved short-lived because it provided the least disruption to the old patterns of slavery. Under this system, planters used a portion of the crop to compensate their workers, in lieu of cash, but made arrangements with gangs of laborers, not with individuals. These gangs would continue to operate as they had previously, with whites determining the tasks to be accomplished and supervising their working activities. Naturally, ex-slaves viewed this expedient as nothing more than a return to the prewar status quo and balked at adhering to it.

For this reason, sharecropping proved the most effective device for establishing working relationships between landowners and laborers. This type of agreement involved splitting the proceeds from the sale of the crop upon harvest between the parties. The planter’s share came from providing the land itself, while the laborer’s was based on the work, minus the cost of items provided by the landowner, such as farming implements, seed, and work animals. Sharecroppers often raised subsistence crops on a small scale for their own use, but the market required that most of the production be in cash crops. In any case, the sharecropping arrangement allowed the hands a greater amount of autonomy and a degree of separation from the institution of slavery.

Merchants also became involved in the process when they provided goods to workers on credit. Since capital was in such short supply, this type of credit came in the form of crop liens that offered a measure of protection for the lender and access for cash-strapped borrowers. It also allowed for fraud and abuse on a broad scale, as workers purchased items on credit at higher initial prices than those paid by cash customers and then labored mightily under the burden of exorbitant interest rates that drove up the amount of the loan to be repaid.

These measures created a system of debt peonage, as well as free labor. Landowners quickly learned that by providing the basic necessities that had previously been part of their obligation as slave owners, they could deduct those charges from the compensation set in the contracts. When the debts accumulated exceeded the amount of money that the sale of crops entitled the workers, that debt “rolled over” or continued into the next year. Thus, cycle after cycle, year after year, the indebtedness of the workers grew. With laws that required such debts to be discharged before an individual could leave the plantation, workers became tied legally to the plantation. In a real sense, this meant that the immobility of slavery had been reinstated.

States that established **Black Codes** placed themselves in a position to enforce contracts. **Vagrancy** laws and other devices ensured that workers who refused to sign them or left before their obligations under them were satisfied could be arrested and forced back onto the plantation. Even when the U.S. Congress took measures to combat these laws, the states found the means to continue them in general terms or everyday practice.

White planters and merchants who understood the new state of affairs could benefit greatly. Confederate general **Nathan Bedford Forrest**, a former slave trader, plantation and slave owner, acquired a reputation for offering

good contracts for his hands built on higher wages than others could or wanted to pay in order to induce them to work for him. Such activities helped to encourage antienticement laws that would make it more difficult for one landowner to lure workers from another.

Taken as a whole, the implementation of contracts for the former slaves helped to institutionalize the theories of free labor ideology in the South. White southerners worked to shape the contracts in a manner that reflected their best interests, while former slaves used them as a means of gaining greater control over their lives and the fruit of their labor. These contracts were part of an exploitative system that kept power in the hands of landowners and were susceptible to abuse. Yet, the fraud that was so often evident does not negate the fact that planters who had once demanded work without monetary compensation from the laborers as slaves, now had to at least appear to pay them for it. *See also* U.S. Army and Reconstruction.

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*Brian S. Wills*

### **Cox, Jacob Dolson (1828-1900)**

The arc of Jacob Cox's life is instructive regarding the historic trends of the time. Born on October 27, 1828, in Montreal, Canada, his parents were Jacob Dolson Cox, Sr., and Thedia Redelia Kenyon. The elder Cox supervised the construction of the Basilica of Notre Dame in the Canadian city. The family returned to New York City, but the Depression of 1837 meant young Cox's formal **education** was terminated, for a while. He clerked for several lawyers and followed a strong program of self-study.

By 1846, he attended Oberlin College where Charles G. Finney was a major influence on his life. Three years later, he married Helen Finney Cochran, Finney's recently widowed daughter. They had seven children. When Cox became superintendent of schools in Warren, Ohio, Finney was disappointed.

At Warren, he studied for the Ohio bar and helped organize the state's Republican Party. He was elected to the Ohio senate in 1859 and began his lifelong social and political relationship with **James A. Garfield**. They were strong foes of slavery's expansion. When the Civil War came, Cox became a Union officer, a brigadier general in May 1861.

His military career was active. He experienced combat at South Mountain, Antietam, and Burnside Bridge after serving in **West Virginia**, in **Sherman's** Atlanta campaign and Sherman's march to the sea. By December 1864, he was promoted to major general. His military career gave him entry into a successful political career.

In June 1865, he was nominated and elected governor of Ohio on the Union Party ticket. In his Oberlin letter, he rejected **suffrage** for the freedmen and supported racial segregation. Despite the uproar, he took office and had an

uneventful governorship. Choosing not to run again, Cox moved to Cincinnati to practice law, but President **Ulysses S. Grant** selected him to be secretary of the interior. Compared to the other questionable characters in the Grant cabinet, Cox was an effective secretary, following Grant's policy of eventual assimilation for **American Indians**.

Despite the opposition of powerful Republican senators, Cox endorsed civil service. Believing that Grant was behind the attacks, Cox resigned on October 5, 1870. Because of his disdain for **Horace Greeley**, Cox did not support the **Liberal Republican** Revolt of 1872. He served one term as a congressman from 1877 to 1879. Retiring from politics, he was president of the Toledo & Wabash & Western **Railroad**. He was dean of the Cincinnati Law School for sixteen years, and for four of those years, he served as president of the University of Cincinnati.

Rejecting an opportunity to serve as U.S. minister to Spain, in 1897, Cox retired to follow scientific and literary interests. A student of European cathedrals, he also studied microscopy and photo microscopy, winning a gold medal at the Antwerp Exposition of 1891. He reviewed Civil War books for *The Nation* and published his two-volume account of *Military Reminiscences of the Civil War* in 1900. He died on August 8, 1900. Cox was a fascinating figure, very much a part of his time, yet his various interests and achievements set him apart from his contemporaries.

**Further Reading:** Amazingly, there is no published biography of Jacob D. Cox. The papers of James A. Garfield and John M. Schofield contain many of his letters. Two comprehensive dissertations exist: Eugene D. Schmeil, *The Career of Jacob Dolson Cox* (Ohio State University, 1969); and Jerry Lee Bower, *The Civil War Career of Jacob Dolson Cox* (Michigan State University, 1970).

*Donald K. Pickens*



# D

## Davis, David (1815–1886)

Davis's career was significant for two major reasons. First, he was a close personal and political friend of **Abraham Lincoln** and second, he served on the **Supreme Court** during Reconstruction. Born in **Maryland** to Ann Mercer and David Davis, a physician, Davis completed a course of study at Kenyon College in Ohio and later read law in Massachusetts. His father-in-law, Judge William P. Walker, greatly influenced him. After a year at the New Haven Law School, Davis moved to Illinois and began the practice of law. In 1838, he married Sarah Woodruff, and had two surviving children. Sarah died in 1879, and Davis married Adeline Burr in 1883. He moved to Bloomington, Illinois, where he remained until his death.

A Whig, Davis failed election to the state legislature in 1840, but won five years later. In 1847, he was selected to be a member of the **constitutional convention** for Illinois, and he successfully lobbied for the popular election of state court judges. Davis became judge in the Eighth Judicial District of Illinois in 1848, a post he held for fourteen years.

During this time, he became a close friend and legal associate of Abraham Lincoln. Lincoln appeared more than ninety times in Davis's court room. They both joined the Republican Party in 1856, and Davis supported Lincoln in his unsuccessful bid to unseat Senator Stephen A. Douglas in 1858. In 1860 Chicago, Davis's role was vital in Lincoln's acquiring the Republican nomination, and as a result, Davis went to Washington when Lincoln won the presidency.

Davis desired a federal judgeship in the Midwest, but instead Lincoln appointed him to the Supreme Court. Davis worried over his ability to meet the task, yet at the same time, worked on politics and **patronage**. Despite being a close friend and adviser to Lincoln (he later served as the administrator for

Lincoln's estate), Davis served as an objective Justice, maintaining his own understanding of the issues before the court. *Ex parte Milligan* serves as a good example. Davis and the majority ruled that Lincoln had exceeded his authority in suspending the writ of habeas corpus and the army should be used only in extreme situations, and never when civil courts remained functioning.

Also important were the *Prize Cases* (1863) and *Georgia v. Stanton* (1867). In the former, the court held that citizens of the rebel states were wartime belligerents; in the latter, the court upheld military Reconstruction and use of **loyalty oaths**. In the *Legal Tender Cases* (1870–1871), Davis and the court endorsed paper notes as legal currency. While he supported business interests, he voted with the majority in the landmark case *Munn v. Illinois*, which addressed state authority to regulate **railroads** and other institutions doing business with the public.

Frustrated by the **Radical Republican** program and disappointed in the **impeachment of Andrew Johnson**, Davis left the Republican Party and briefly dallied with the Labor Reform Convention and the **Liberal Republican** movement. When he was appointed to the **Electoral Commission** created to solve the issues in the disputed **election of 1876**, he resigned his seat on the Supreme Court.

Davis's political work on Lincoln's behalf, and his service on the Supreme Court places him in a secondary but significant place in the Republican Party and the development of Reconstruction policy. *See also* Compromise of 1877; U.S. Army and Reconstruction; U.S. Constitution.

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*Donald K. Pickens*

### **Davis, Edmund J. (1827–1883)**

Davis, Reconstruction governor of **Texas**, was born in St. Augustine, **Florida**, on October 2, 1826. His family moved to Texas in the 1840s. Davis practiced law and served as a district court judge prior to the Civil War. A Unionist, he opposed secession in 1860–1861 and ran unsuccessfully for the state's secession convention. He refused to swear the oath of allegiance to the Confederacy required of all public officials, so in the spring of 1862, he left the state to avoid persecution. He visited Washington, D.C., and received permission from the War Department to raise a cavalry regiment from among Texas refugees. He organized the First Texas Cavalry, U.S., at New Orleans and became the unit's first commander. He saw service with his unit during General **Nathaniel Banks's** Rio Grande expedition, and quickly rose to the rank of brigadier general. General **Edward R. S. Canby** sent Davis to Galveston to receive the surrender of Confederate forces in Texas on June 12, 1865.

Davis ran for the state's **constitutional convention** of 1866 as a Unionist. His private communications indicated that by this time he had come to oppose President **Andrew Johnson's** program of Reconstruction and believed that only **black suffrage** would make possible the creation of loyal governments in the South. The triumph of the Conservatives, a loose coalition of former secessionists and Unionists who supported the president, relegated Davis and others of like mind to insignificant roles in the convention. The actions of the majority convinced Davis that former confederates had regained control of the state. Although he ran unsuccessfully for a seat in the state senate in the subsequent election, he hoped to undo the work of the convention and actively encouraged congressional intervention in the South.

The beginning of **Congressional Reconstruction** in the spring of 1867 led Davis back into politics. He joined the state's Republican Party that summer, ran successfully for the constitutional convention of 1868-1869, and became its president. In the convention, he became associated with the group that came to be known as the **Radical Republicans**. The Texas Radicals supported black suffrage and the extension of **civil rights** to the **African American** freedmen and favored restricting the political rights of secessionists like Radicals elsewhere. Their backing of a declaration nullifying from the beginning all laws passed between secession and the convention (the so-called *ab initio* controversy) was a more important issue than in other states. Texas Radicals also desired a division of the state that would create a haven for loyalists in the South. The Radical program confronted a hostile majority, composed of a coalition of Conservatives and Conservative Republicans led by Johnson's **provisional governor**, Andrew J. Hamilton, and they failed in all goals but the guaranteeing of **suffrage** and a minimum of civil rights for blacks.

Davis ran for governor against Andrew J. Hamilton in the election that followed the convention. Davis narrowly won in a closely contested race that saw **violence** at the polls in numerous counties. Hamilton disputed the results when the local military commander, General **Joseph J. Reynolds**, discarded some returns. Claiming that Reynolds had counted Davis in, Hamilton tried unsuccessfully to have officials in Washington negate the outcome. Later scholarship has shown that Hamilton's claims were fallacious, but the charge that military officials had given him the election haunted Davis while governor, and provided another issue for his opponents to use in disputing the legitimacy of his government.

Davis took office as governor in March 1870. He successfully moved a progressive program through the legislature. His plan included the creation of a state police force, which secured greater control over the **militia** as an instrument of law and order. The legislature also created more state courts. Davis considered all of this necessary, not just to suppress normal lawlessness, but also to protect the freedmen in their new situation. Davis also obtained a public school system, a measure he considered critical to helping the freedmen and poor whites of the state as well as facilitating economic growth. The governor also supported state aid to **railroad** construction, although he believed the state possessed the resources to subsidize only one road, a major trunk line from the state's northeastern border to Laredo on the Rio Grande. Implementing this conservative approach to internal improvements proved



difficult, and members of his own party joined with Democrats to pass numerous railroad subsidies and then override his veto.

Davis's legislative program had little chance to prove itself successful. Conservative Republicans and Democrats joined together after the passage of the militia measures to charge the governor with tyranny and suppressing the will of the majority, accusations they used over and over during his administration. Their claim that Davis's government did not represent the majority lent support to their assertion that its taxes were unjust and everything from the schools to the courts were nothing more than means to create a massive government bureaucracy to keep Davis in power. As with many Reconstruction governments, expenses did increase, but largely due to an increase in services; Davis's administration successfully avoided, except in one case, the fraud associated with Republican regimes elsewhere. Nonetheless, Davis's opponents used their claims to foster a **Taxpayers' Convention** and revolt that produced court challenges to state taxes and a denial of revenue that caused operational problems across the state.

The tax issue stood in the way of all of Davis's efforts to attract wider support for his administration. At the same time, a steady immigration of people from other former Confederate states created an expanding electorate hostile to any Republican regime. By the time Davis ran for reelection in 1873, the **Democratic Party** essentially had reestablished its power in the state. Republicans already had lost their majorities in the state legislature, and all of the seats in the national House of Representatives had fallen into Democratic hands. In the 1873 gubernatorial election, Davis's Democratic opponent, Richard Coke, handily defeated the governor. Davis had no intention of remaining in power, but Republican leaders in Houston challenged that election's constitutionality on a technicality, and the state Supreme Court declared the results void in a decision known as the *Semicolon Case*. Reflecting Davis's concept of duty, he concluded that he had to sustain the court, even though the successful Democrats refused to accept its decision. Davis's stand produced a crisis in January 1874, when the legislature reassembled. After the governor refused to recognize the legislature, it met anyway and then inaugurated Coke, even though Davis's term officially extended until the next March. Davis tried to obtain the intervention of federal troops, but with no support coming from President **Grant** or Congress, and recognizing his own supporters would be crushed quickly in a confrontation, he stepped down.

Davis continued to be active in the state's Republican Party after 1874. He chaired the state executive committee, participated in national campaigns, ran for governor again in 1880, and then for Congress in 1882. He never held another elected office, however. He stayed true to his basic principles, such as when he refused an appointment as collector of customs at Galveston during the administration of President **Rutherford B. Hayes**, because he opposed the president's policy of reconciliation with the existing southern governments and abandonment of blacks. Davis supported himself through these years by practicing law in Austin. He died there on February 7, 1883, and is buried in the state cemetery. *See also* Compromise of 1877; Education; Military Reconstruction Acts; Presidential Reconstruction; Redemption; Scandals; U.S. Army and Reconstruction.

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*Carl H. Moneyhon*

### **Davis, Jefferson Finis (1808–1889)**

Jefferson Davis, the future Confederate president, was born in **Kentucky**, the tenth and last child in his family. When Jefferson was quite young, the Davis family moved to **Mississippi**. He developed a close relationship with his oldest brother, Joseph Emory Davis, who functioned as a father figure for Jefferson for many years. Davis attended schools in Kentucky and Mississippi, then Transylvania University, and finally West Point, where he graduated twenty-third of thirty-three in the class of 1828.

Davis served in isolated Wisconsin and Illinois forts for seven years as an infantry lieutenant. He resigned from the **U.S. Army** in 1835, and married Sarah Knox Taylor, the daughter of his commanding officer, Zachary Taylor. They moved to Davis's new plantation, "Brierfield," in Mississippi where Sarah soon died, probably of malaria, and Davis suffered aftereffects of the illness for the rest of his life. He married Varina Howell in 1845; the couple eventually had six children.

About 1840, Davis became interested in politics and was elected to Congress as a Democrat in 1845. On July 4, 1846, Davis resigned his seat to serve as colonel of the First Mississippi Volunteers in the Mexican-American War. He distinguished himself in the battles of Monterrey and Buena Vista, where he was wounded in the foot. As a war hero, Davis was elected to the U.S. Senate from Mississippi, taking his seat in December 1847. He favored slavery expansion and vigorously opposed the Compromise of 1850. After the death of John C. Calhoun, Davis became the leading Senate defender of southern views. He resigned his seat to run for governor of Mississippi, unsuccessfully, in 1851. However, in 1853, Franklin Pierce selected Davis as his secretary of war. In 1857, Davis was again elected to the Senate, where he served until Mississippi seceded in January 1861.

In February 1861, representatives of the six seceded states chose Davis as the provisional president of the new Confederacy. Davis was soon elected to a six-year term. While he may have been the best person available to serve as president, he personally would have preferred to be general in chief of the Confederate armies or secretary of war. He was not good at dealing with people with whom he disagreed, he showed favoritism and excessive loyalty to friends, was extremely inflexible, and found it nearly impossible to admit error. Davis also tended to focus too much on relatively minute details and suffered from poor health, which often made him ill-tempered. Nevertheless, he did a creditable job of overseeing the Confederate administration in the face of tremendous obstacles.

Captured on May 10, 1865, Davis spent two years imprisoned at Fortress Monroe, **Virginia**, part of this time in close confinement. Many southerners

who had been highly critical of Davis as president, came to regard him as a hero during his imprisonment. Secretary of War **Edwin M. Stanton** and Judge Advocate General Joseph Holt tried to prove that Davis was implicated in the **assassination of Abraham Lincoln** and attempted to bring him to trial. When it became evident that the testimony against Davis was perjured, and that the postassassination excitement had died down, Davis was allowed to live in more comfortable quarters at the fort with his family. Because it was difficult to determine a realistic charge on which to try Davis and to decide in what court he should be tried, the indictment against him was dropped in December 1868.

After his release, Davis tried his hand at several business ventures, but these were unsuccessful and his family lived in genteel poverty, eventually at “Beauvoir,” a home in Biloxi, Mississippi, given to him by a friend. He wrote his memoirs, the two-volume *Rise and Fall of the Confederate Government* (1881), but it was not a financial success. He died in New Orleans of pneumonia on December 6, 1889. *See also* Amnesty Proclamations; Republicans, Radical; Surratt, Mary (Elizabeth) Eugenia.

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*Glenna R. Schroeder-Lein*

## **Davis Bend, Mississippi**

Located on a peninsula formed by the meandering **Mississippi** River about thirty miles southwest of Vicksburg, Davis Bend was home to several thriving cotton plantations in the antebellum era, most prominently Hurricane and Brierfield, which belonged, respectively, to Joseph Davis and his younger brother, the Mississippi senator and soon-to-be Confederate president **Jefferson Davis**. The elder Davis was a slaveholder of relatively enlightened views, who organized these plantations according to cooperativist principles derived from the Owenite utopian-community movement: generous incentives and benign regulations were the hallmarks of his paternalist regime. Joseph Davis even helped one talented black bondsman, Benjamin Montgomery, to establish and run a successful general store and forwarding depot on the river landing, and he also allowed Montgomery to ease his two sons, William T. and Isaiah, into the business.

After the Union army assumed control of the region in early 1863, General **Ulysses S. Grant** took heed of the numbers of newly freed slaves who flocked to the area, and he gave orders that it be turned into a showcase for free labor—a “Negro paradise,” he called it. Davis Bend gained national notoriety too: “Jeff Davis’s plantation a **contraband** camp,” the *New York Times* noted gleefully. Inexperienced military officers, however, often created more problems than they solved; for example, their **confiscations** of livestock and tools from freedpeople sowed distrust and anger. The Montgomerys returned to Davis Bend in 1865, and with Joseph Davis’s encouragement, tried to mediate between federal officials and the nearly 2,000 freedpeople gathered there in

order to get the various plantations running profitably again. Perhaps due to Davis's frequent interventions, though, the Montgomerys were unfairly perceived by the newly organized **Bureau of Refugees, Freedmen, and Abandoned Lands** as merely interested in self-aggrandizement. The Montgomerys would later encounter further, more predictable resistance from the estate of Joseph Davis after his demise in 1870. Davis had sold his plantations to the Montgomerys on credit in the fall of 1866, but his heirs—including brother Jefferson—proved less forgiving of the debt that rapidly accrued during the difficult economic times that followed.

Though a similar experiment on a grander scale in the Sea Islands off the Atlantic coast is better known, Davis Bend is notable in part as the site of one of the Freedmen's Bureau's few sustained attempts to assist recently **emancipated** slaves in readjusting to a free-labor regime. More noteworthy than the bureau's temporary, often ambivalent, and sometimes counterproductive efforts, however, was the long-term, proactive role played by the freedpeople of Davis Bend, especially under the Montgomerys' multigenerational leadership, in seeking to establish a local, relatively autonomous, and economically viable society on something approximating their own terms. Although the revived plantations of Davis Bend were quite successful in some respects, especially during the early 1870s, the unrelenting hostility of local whites and depressed late nineteenth-century cotton markets ultimately doomed the freedpeople's wider ambitions. They nevertheless left behind a substantial legacy of communitarian self-help that would linger in the area, especially in the nearby all-black town of Mound Bayou, well into the twentieth century. *See also* Agriculture; Contracts; Edisto Island, South Carolina; Port Royal Experiment; U.S. Army and Reconstruction.

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*Scott P. Marler*

### **Dawes, Henry Laurens (1816–1903)**

The author of the Indian **Emancipation** Act of 1887, Henry Laurens Dawes was a prime example of a reformer in the Gilded Age. Born in Massachusetts to a farming family, Dawes attended local schools and received private instruction before entering college. He graduated from Yale in 1839. After a brief period of schoolteaching and journalism, he studied law in New York State and was admitted to the Massachusetts bar in 1842. He combined his law practice with teaching. In 1844, he married Electa Allen Sanderson, with whom he had three children.

Politics, particularly reform politics, was his main interest and life's work. Beginning as a Whig, he served four years in the Massachusetts House and one term in the state senate. He served in the state **constitutional convention** of 1853 and was U.S. district attorney for four years. He was also one of the founders of the Republican Party in Massachusetts. By 1857, he was elected to the U.S. House of Representatives, where he served for eighteen years.

In the House, he demonstrated legislative leadership and attention to detail. He defended President **Lincoln's** war policy and often visited Union hospitals and camps. He was chairman of the Committee on Appropriations (1869) and the Committee on Ways and Means (1871). From 1861 to 1869, he was chairman of the Committee on Elections. He was a party stalwart, but events often moved him toward the Radicals despite his natural inclination to seek a moderate course and uphold party unity. Like many of his contemporaries, he believed that the fate of the Union and enduring electoral success of the Republican Party were one and the same.

Dawes's relationship with President **Andrew Johnson** was a prime example of Dawes's political and policy troubles. When Johnson came to the White House, Dawes urged cooperation and unity, believing that Johnson's policies were the same as Lincoln's. With the veto of the **Freedmen's Bureau Bill** in 1866, Dawes broke with President Johnson, although he greatly disliked the Radical leadership. Dawes wanted stronger evidence of southern loyalty and obedience to the federal Union.

He was an activist in other ways as well. As with any Republicans, he supported a strong tariff policy. He also championed the National College for Deaf Mutes, and in 1869, with the help of Cleveland Abbe, a noted meteorologist, Dawes supported the issuance of daily weather statements; this led in time to the establishment of the National Weather Service.

In 1875, Dawes became a member of the U.S. Senate, where he remained until he retired in 1893. His major achievement in these years was the Indian Emancipation Act of 1887 or the Dawes General Allotment (Severalty) Act. As the author of the act, Dawes wanted the total assimilation of the Indians into the culture. By abolishing the tribal form of government and culture, and dividing land among individual tribal members, the act sought to transform the Indians into farmers. A probationary twenty-five-year period was included, to protect the individual new landowners from speculators. Full landownership could also mean full U.S. citizenship.

The act's fate was complex. On the one hand, it represented a link to Reconstruction thinking, a certain trust that legislation could change culture, and those changes were just and equitable. Desiring to end government dependence by Indians, the act only increased the connection. It was not administered well, corruption was common, and the reservation system endured in squalor and neglect. The Indian Reorganization Act of 1934 replaced the Dawes Act. Despite the act's record and its obvious white paternalism and ethnocentrism, Dawes tried to be a friend of the Native Americans. After he retired, he continued to operate on behalf of Native Americans, and he passed away highly respected by two cultures. *See also* American Indians.

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### De Forest, John William (1826–1906)

Best known for his novels about the Old South and Reconstruction, John William De Forest was born in Humphreysville, Connecticut, on March 31, 1826. Plagued by poor health throughout most of his life, he spent much of his early adulthood traveling abroad. At the age of twenty, he visited his eldest brother, a missionary, in Syria, and then spent the next two years touring and writing about the Middle East. In 1850, he returned to Connecticut, where he began researching his first book, *History of the Indians of Connecticut from the Earliest Known Period to 1850*, published in 1850. That same year, De Forest again left America, living and traveling for four years in England, France, Germany, and Switzerland. He initially hoped to train as a historian or biographer, but while abroad became fascinated with French realism and other forms of literature. Upon his return to America (1855), he settled into a serious writing career, publishing two travel books about his trips abroad. His first novel, *Witching Times*, initially appeared in *Putnam's Monthly Magazine* in 1856 and 1857. A second novel, *Seacliff*, followed in 1859.

In the fall of 1855, De Forest journeyed with his soon-to-be wife, Harriet Silliman Shepard, to Charleston, **South Carolina**. Shepard's father, a professor of chemistry and natural history, divided his teaching between Amherst College and the Medical College in Charleston. John and Harriet married in Connecticut in 1856, but spent much of their time in Charleston in the years preceding the Civil War. Their only child, Louis Shepard De Forest, was born in Charleston in 1857, and the De Forests sailed out of the city shortly before the firing on Fort Sumter.

During the Civil War, De Forest organized and served as captain in a company of volunteers for the Twelfth Connecticut Volunteers (also called the Charter Oak Regiment). The regiment participated in action in **Louisiana** in 1862 and in the Shenandoah Valley campaign of 1864. Discharged in 1864 because of poor health, De Forest joined the Veteran Reserve Corps in 1865; later that year, he was transferred to the **Bureau of Refugees, Freedmen, and Abandoned Lands**, where he served as field officer in Greenville, South Carolina until 1867. He recorded many of his observations about war and Reconstruction in letters and magazine articles, and in the mid-1880s, attempted to publish his collective recollections as a two-volume work entitled "Military Life." No publisher accepted the project at the time, but in the late 1940s, Yale University Press published De Forest's manuscript as two separate works, *A Volunteer's Adventures* and *A Union Officer in the Reconstruction*, both of which offer firsthand insights into social relations and local life in the South.

In the years after the war, De Forest continued to write serialized articles and books, some of which, such as his best-known novel *Miss Ravenel's Conversion from Secession to Loyalty* (1867) and *Kate Beaumont* (1872), presented critiques of southern slaveholding society. De Forest failed to achieve significant literary popularity during his lifetime, however. He died in New Haven, Connecticut, on July 17, 1906, of heart disease. *See also* Tourgée, Albion Winegar; Trowbridge, John T.; U.S. Army and Reconstruction.

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*Kimberly R. Kellison*

### **Delany, Martin R. (1812–1885)**

Martin R. Delany was a black **abolitionist**, Union army recruiter, and political activist in Reconstruction **South Carolina**. Born free in Charles Town, **Virginia**, Delany grew to manhood in Pittsburgh, Pennsylvania, and in 1850, briefly undertook medical studies at Harvard University. As an abolitionist, in the 1840s, Delany published *The Mystery*, the first black newspaper west of the Alleghenies and coedited *The North Star*, with **Frederick Douglass**. As a black nationalist, Delany believed that **African Americans** possessed a unique destiny and ought to identify with Africans worldwide. His 1852 treatise, "The Condition Elevation Emigration and Destiny of the Colored People of the United States," refers to black Americans as a "nation within a nation" and promoted emigration to Africa. In 1854, Delany convened the first emigration convention and in 1859–1860, his Niger Valley Exploring Party traveled to Yorubaland (southwest Nigeria today) and arranged for black Americans to emigrate there. The Civil War transformed Delany's activism, as he began recruiting blacks for the famous Massachusetts Fifty-Fourth and Fifty-Fifth Regiments. He was commissioned a major in the **U.S. Army** and was its first black commissioned officer. During 1865–1868, Delany worked as a **Freedmen's Bureau** agent on Hilton Head and other sea islands, and his greatest disappointment as a black nationalist was that most confiscated planter land was restored, leaving the former slaves landless.

Although he never held a major political office, Martin Delany was politically active and his efforts reflect the difficult choices faced by Reconstruction's black politicians. Following the **Military Reconstruction Acts**, Delany joined several other black leaders who cautioned blacks against aggressively pursuing statewide and national offices under the new 1868 state constitution, hoping to avoid alienating whites. When nominated for a congressional seat, he declined to run, for this reason. There was only one black candidate for statewide office that year, and no black congressional candidates. By 1870, Delany accused white Republicans, so-called **scalawags** and **carpetbaggers**, of unfairly dominating appointive and elective positions and urged black men to pursue their fair share of offices, proclaiming that black people required their own leaders. Delany helped write a new chapter in Reconstruction politics, as three blacks were elected congressmen, one as lieutenant governor, and one to the state supreme court. Delany remained a critic of white Republicans, many of whom he claimed were corrupt and only interested in profiting from black votes, while sowing dissension and conflict. Thus, he became a political maverick in the 1870s, supporting reform Republicans and

growing less hostile to Democrats. In 1874, he ran unsuccessfully for lieutenant governor on the Independent Republican ticket, headed by a Democrat. In the **election of 1876**, Delany supported **Wade Hampton**, the Democratic candidate for governor, having concluded that black rights could best be preserved by southern aristocrats, rather than by white Republicans who faced a limited future in the South. Conservative whites praised Delany, but this position branded him an apostate among black Carolinians.

Delany's hopes were ultimately dashed with **Redemption** and the end of Reconstruction, and he returned to his earlier strategy for race liberation: African emigration. In 1877-1878 he was a leader in the Charleston-based Liberian Exodus Movement, which promised blacks a better future in West Africa. Financial difficulties ended this effort after the organization sponsored a single voyage in 1878. Martin Delany eventually left South Carolina for Wilberforce, Ohio, where he resided until his death on January 24, 1885. *See also* Bureau of Refugees, Freedmen, and Abandoned Lands; Stevens, Thaddeus.

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*Bernard E. Powers, Jr.*

### **Democratic National Convention (1868)**

Called to order by the party's national chairman, **August Belmont**, the **Democratic Party's** tenth national convention convened in the newly built Tammany Hall in New York City on a very hot July 4, 1868. Not for the first time, the Democrats came together in some disarray. Internal disagreements stretching back to the Civil War still plagued them as they faced a presidential election. They were firm in their opposition to Republican reconstruction policies in the South but uncertain about their candidate, and, most critically, they were divided over the emerging issue of paper money. Many western Democrats favored the continued circulation of the paper greenbacks that the government had issued during the war. They demanded that a law be passed mandating the repayment of government bonds in these greenbacks, not solely in gold, as banks and bondholders wanted. Such would benefit all Americans, they argued, as it was fairer, and legal tender paper money would stimulate a lagging economy. A conservative hard money bloc of mostly eastern Democrats strongly disagreed. They believed that specie was the only proper medium of commercial activity. To them, greenbacks were inflationary and threatening to a prosperous economy.

Still, there was much confidence among the party members gathering in New York. The 781 accredited delegates on the scene were optimistic that their meeting would give the party a fresh start after their failures in the



**elections of 1864 and 1866.** Their Republican opponents were in turmoil, split over the future direction of Reconstruction policy; they had tried and failed to oust President **Andrew Johnson** through **impeachment** proceedings, and, the year before, the Democrats had won a number of important state elections and come close in others, suggesting they were well on their way back from their low point in the mid-1860s. They were meeting at the same time as the “Conservative Soldiers and Sailors Convention,” who joined them in denouncing **Radical Republican** extremism and concurred in the need to elect Democrats to office—demonstrating, party leaders hoped, that they too had support from veterans of the late war, which could be a significant electoral boost. Finally, the appearance of delegates from the readmitted southern states offered promise of electoral gains in the former Confederacy.

On the opening day, the delegates chose **Horatio Seymour**, the former governor of New York, as the convention’s permanent chairman. Committees were quickly organized and the meeting turned to address its two main tasks: the party’s platform, and selecting candidates for president and vice president. The platform came first. Despite the differences in the party, the Resolutions Committee found common ground, demanding the restoration to the Union of those southern states still being held down by a radical dominated Congress; **amnesty** for political offenses, that is, holding high office in the Confederate States during the war; the **abolition** of the **Bureau of Refugees, Freedmen, and Abandoned Lands**; and generally haranguing the Republicans for all of their sins over the past years, in particular their policies of “military despotism and negro supremacy.” On monetary matters, the committee called for paying off the public debt “in the lawful money of the United States,” including, it was clear, if not directly stated, the government-issued greenbacks.

Balloting for candidates for president and vice president began on July 7. The convention adopted the party’s traditional two-thirds rule, the vote of 205 of the delegates present (not only those voting) would be necessary for a successful nomination. From the beginning, **George Pendleton** of Ohio, once a Peace Democrat, now the leader of the soft money forces, led the field, but his vote totals never approached the needed two-thirds mark. The conservative wing had not settled on any one candidate and supported several different possibilities—Senator Thomas Hendricks of Indiana, General **Winfield Scott Hancock**, President Andrew Johnson, and **Supreme Court** Chief Justice **Salmon P. Chase**—but no one had the necessary strength. A few delegates began to push Seymour forward, but he adamantly refused to be considered.

The convention settled into a repetitive cycle of voting, trying different candidates, and delegates switching from one name to another. After three days, and eighteen ballots, the party was still unable to agree. Then, Ohio withdrew Pendleton’s name and on the twenty-second ballot, Ohio swung its votes from Pendleton to Seymour. The ex-governor continued to protest, but the delegates were not dissuaded. The other candidates fell into line, and Seymour was unanimously nominated on that ballot. The convention then finished its work by choosing as the vice presidential nominee **Francis P. Blair, Jr.**, a former Republican, Civil War general, and scion of an old Democratic family. Now living in Missouri, he was strongly supported by southern

delegates for his outspoken stance against Reconstruction and apparent willingness to allow white southern conservatives to oppose policies enacted by the Republican Congress.

The convention adjourned on July 9. Despite the usual grumbling from the dissatisfied, the party mainstream remained optimistic that their convention promised victory, through their platform and the candidates chosen. The stakes were high: The country's monetary policy, the fate of Reconstruction, and the future of **African Americans** hung in the balance. *See also* Congressional Reconstruction; Elections of 1868; Grant, Ulysses S.; McCulloch, Hugh; Military Reconstruction Acts; Recusants.

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*Joel H. Silbey*

## Democratic Party

Democratic Party leaders displayed great confidence as the Civil War ended in 1865, believing that the time was ripe for their party's resurgence. What they saw as the **Lincoln** administration's aggressive centralization policies and social experimentation had provoked party members from the first days of the conflict and reinforced their determination to carry on against their political enemies even during wartime. Since their original coming together in the 1820s, Democrats had carved out an ideological focus that stressed limited federal government intervention in economic affairs and into the lives of American citizens. Their strict view of the **U.S. Constitution** and laissez faire approach had characterized their public persona as they fought to win and retain power. As they did so, they drew popular support from the lower Midwest's southern-born citizens, from growing urban centers where Irish Catholics were becoming a significant electoral force as they faced intense Republican hostility, and from traditionally antigovernment farmers and shopkeepers elsewhere in the North.

### *Democrats during the Civil War*

Although many equated Democrats with southerners and secessionists (since the Democratic Party dominated the South), the party's appeal in the North remained cogent even after the war began, but the war caused great strain among them despite their common ideological perspective. A small group of War Democrats, arguing that Americans had to rise above partisan differences in the emergency they faced, actively supported the Lincoln administration. Peace Democrats ("Copperheads" to their enemies) challenged the war and its costs, and—to them—its unacceptable disruption of American

society. The largest group of party supporters rejected both extremes and tried to mark out a position as legitimate critics of Republican policies while declaring their support for restoring the Union by military action. At the same time, while bitterly fighting each other in party councils over whether to support the war, the Peace faction and the legitimists argued that wartime exigencies should not allow the federal government to assume too much power, change accepted social realities, regulate and control the way the nation went about its business, or force adherence to its dictates. They also pursued a racist, antiblack strategy as the war developed, arguing that the United States was a white man's country and government authority could not be used to uplift blacks as the Lincoln administration was doing.

The Republicans successfully resisted the Democratic challenge with great skill. They took advantage of their opponents' divisions, labeled all Democrats as treasonous, cowardly Copperheads, indifferent to the Union's survival, and successfully held off the party in a series of wartime elections culminating in the reelection of Lincoln in 1864. By the end of the war, the Democracy, although still enjoying a great deal of voter support, had only occasionally demonstrated enough electoral vigor to threaten Republican dominance of the political world.

### *Early Reconstruction: Hope and Despair*

As Reconstruction began, however, optimistic party leaders believed the worst was behind them. Americans had, said former New York governor **Horatio Seymour** in late 1865, "closed our lips upon the questions of the past." The issues of wartime were no longer relevant, the Democrat Party was united and "confident that their policy commands the approval of a large majority of the people." The Democracy was "the party of the future." Congress's passage of the **Thirteenth Amendment** in 1865, which abolished slavery (with some Democratic support) provided the opportunity for party leaders to announce that the debate about such matters was now over. They accepted that slavery was dead. It was time to focus elsewhere, to take advantage of new conditions and draw back to them former Democrats and disaffected **Moderate Republicans**.

That hopeful outcome was not to be. The Republicans continued to denounce the stance of the Democracy in the harshest terms they could, focusing particularly on the attitude and behavior of the Peace Democrats during the battle to save the Union. As a result, and despite their electoral potential, the latter made little headway. Republicans' waving of the "**bloody shirt**" of Democratic treason, and the white South's refusal to accept the results of the war, cost the party dearly. Southern white resistance to **African American** rights and the too-easy Reconstruction policy of **Andrew Johnson** caused a reaction against the Democrats in the early postwar years. There was a strong reaction at the polls against the Democrats in state and congressional elections in the northern states in 1865 and 1866.

Democratic leaders realized that they needed additional strength, but how were they to find it? **Radical Republicans**, and their determination to suppress white citizens and to impose black **civil rights** and **black suffrage**, provided

the opportunity. The party set its face resolutely against **Congressional Reconstruction**, focusing on the un-American aspects of military control and black dominance. In short, after 1865, while paying some regard to the changes the war had wrought in the South, Democratic strategy was the same as during the war. They still stood by their strict constitutional conservatism and refusal to accept the changes demanded by Republicans and the newly freed blacks. "The Constitution as it is," they continued to chant, "the Union as it was."

Still, their significant electoral support occasionally led to Democratic victories and encouraged the hopes of party members. After 1865, they increased their vote in the South over prewar levels, as former Democrats came to the polls once more, while also drawing support from people there who had voted against the party in the years before the war. In 1867, they made significant gains due to Republican overreach on the black suffrage issue in several northern states. The Democrats' resistance to that proved quite potent as they won a number of statewide elections, came very close in others, and mobilized voters to defeat Republican-backed black suffrage amendments to state constitutions. Their success once again led to a resurgence of their hopes.

The Republican response to these Democratic gains continued to be as harsh as it always was when their opponents threatened them at the polls. Their leaders moved to impeach the president (who was now working closely with the Democrats) and replace him with someone from their own ranks to prevent interference in the Reconstruction program, but Republicans failed to convict (and remove) Johnson in a close vote in the Senate. Radical failures gave moderate party leaders an opportunity: Fearing the growing Democratic vote and the increasing disillusionment within the Republican Party, they nominated **Ulysses S. Grant**, the nation's greatest war hero. Although determined to continue to protect African American rights, there were insinuations that the party was going to ease up in its aggressive policies in the South and its pro-black initiatives there and elsewhere. Their electoral strategy also continued their decade-long assault on the Democrats for their wartime behavior and support for unrepentant southern whites.

The Democrats made a powerful effort in the presidential **election of 1868** behind former Governor Horatio Seymour of New York, but lost once again. Despite their differences over an emerging issue regarding the nation's currency—a significant soft money faction wanted the party to support legislation to continue war-issued greenback notes in circulation as legal tender in commercial transactions—the Democrats remained united, and once more challenged Republican excesses in the South. Their opponents, in response, again raised Democratic wartime behavior and, behind Grant, held them off, although with reduced majorities from Republican totals in recent national elections. Clearly, waving the bloody shirt remained a powerful barrier to Democratic resurgence, despite growing popular resistance to some of the Republican's programs and activities.

### *A New Departure*

After the election of 1868, the Democratic Party was in angry confusion. Strong as it was, it continued to be the nation's minority party, unable to wrest control

from its opponents. The party made some gains in congressional elections in 1870, but still seemed very far from power. How could they overcome this? Some of their leaders argued more strongly than ever for changed directions and a different focus in their efforts on policies, which came to be called a “**New Departure**.” In other words, they should, while still hostile to Reconstruction in their public stance, focus more and more on issues of government corruption and federal monetary policy. The final ratification of the **Fifteenth Amendment** in 1870 seemed to be a coda for much that they had contended against. The issue of black voting was now settled by constitutional amendment. Occasionally, events would reignite Reconstruction issues: renewed white intransigence and **violence** in the South, particularly with the growth of the **Ku Klux Klan** in the early seventies, for one prominent example. However, other issues were also growing in importance, including the revival of cultural tensions, which had played a significant role in voter choice since the 1840s. In the early 1870s, Republicans at the state level were pushing for the prohibition of alcohol, and instituting school curricula reforms and demanding religious instruction that Catholics considered hostile to their values. The Democrats strongly resisted what they argued was nothing more than cultural and religious bias.

New Departurism was also a quest for new allies, particularly from a growing, vocal band of dissident Republicans emerging as the **Liberal Republican** movement. The Grant administration had been beset by inept appointments, **scandals**, and controversial policies in the South and in foreign affairs. Many from the Republican Party assailed what they called Grantism: the corruption, waste, and **patronage**, that amounted to a general sense of the failure of the Republican-controlled national government. The Republican Party no longer served the public good. These Liberal Republican “bolters” argued that new men and new ideas, such as civil service reform, were necessary. Their critique led to political action. For the election of 1872, they formed a third party to contest the presidential race. The Democrats (with a small minority vigorously dissenting) went along with them since most party leaders believed they had no other choice but to fuse with other opponents of the Grant administration if they hoped to win. In a national convention that lasted only six hours, the party threw in its lot with the Liberal Republicans, adopted its platform, and supported its eccentric presidential candidate, the long time Democratic hater, **Horace Greeley**.

Despite Greeley’s vigorous campaign, the effort at fusion was a failure and the election a fiasco for the Democratic Party. Turnout sagged as some party loyalists stayed home in protest against the new strategy and the party’s strange allies. At the same time, the Republicans once again kindled the bloody shirt, and war-induced anger and the distrust of the white South’s postwar intransigence once again demonstrated their potency among northern voters. As a result, the Democratic-Liberal Republican movement attracted even less support than the Democrats had received in 1868 and 1870. The party seemed to be going backward.

### ***Democratic Resurgence amid Republican Turmoil***

Developments in 1873 at last provided an opportunity for the Democrats to improve their political fortunes. Grant’s second term provided a fertile field

for Democratic resurgence as the nation plunged into a recession; the country's faltering economic condition came to the center of the stage. The **Panic of 1873** began with thousands of **railroad** workers being thrown out of their jobs. A severe stock market downturn added to the chaos, followed by still other workers being laid off as the crisis percolated throughout the economy. The situation offered new opportunities beyond the Reconstruction issues that had not led to party victory. Hard times brought the currency issue to prominence once again. This was, many (but not all) Democrats argued, not the time to fall back on sole reliance on hard money. An inflationary policy was necessary to stimulate the economy. The "Crime of '73," Congress's passage of a law that had ended the coinage of silver, had to be reversed and that metal made legal tender once again. At the same time, soft money advocates argued that the federal government had to continue to use greenbacks in the economy.

Significant economic difficulties had a crucial political impact, allowing the Democrats to make strong gains in 1874 against a confused Republican Party. In the House of Representatives, with 169 Democrat seats—up from only 88, a massive gain in a single election—they would control the House for the first time in fifteen years. They added ten additional Democratic senators, also a substantial gain, if not yet enough to give them control of the upper house of Congress.

As the presidential **election of 1876** approached, Democrats believed that they had finally gained advantages over their opponents: cries of Grantism and a failing economy. Plus, they offered a unifying candidate of great experience and charisma, rare for them in recent years. Their nominee for president, **Samuel J. Tilden**, stood in a long line of Democratic leaders going back more than forty years. Originally a protege of Martin Van Buren, always a loyal party man, part of the legitimist group during the war, Tilden was deeply committed to a conservative social and political perspective. Furthermore, Tilden had made his mark as a reformer. He had prosecuted the corrupt **Tweed** ring in New York City and brought it down, a perfect symbol to combat Grantism and its depredations of the government purse.

It looked for a time like Tilden would defeat his opponent, **Rutherford B. Hayes** of Ohio. Despite Republicans waving the bloody shirt and advertising their anti-Catholicism (which continued to be a useful issue for them against the Democrats in the North), Democrats came extraordinarily close to winning the election. However, victory slipped away due to their own blunders and the shrewdness of the Republican leadership. Tilden arguably won a majority of the popular vote and the largest number of electoral votes the Democratic Party had ever received, but the close, confused, questionable results from several southern states, and political sleight of hand as they were counted, at first gave neither candidate victory. The Democrats' harsh anger about what was happening in the count gave way first to wavering about how far they should go in contesting the outcome, and, then, an agreement to abide by the decisions of an **electoral commission**. There, they lost out one more time.

The Republicans retained the presidency. Nevertheless, a new, post-Reconstruction political era was dawning. Whatever the final outcome of the

1876 election, the Democratic Party had bounced back, at last, into electoral equilibrium with the Republicans for the first time since the 1850s. Even more important, they had not lost their ideological soul as they did so. Somewhat delayed, “the party of the future” would, the faithful believed, soon return to power. *See also* Black Codes; Cincinnati Convention; Compromise of 1877; Democratic National Convention; Disfranchisement; Elections of 1864; Elections of 1866; National Union Movement; Recusants; Redemption; Scandals; Suffrage; U.S. Army and Reconstruction.

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*Joel H. Silbey*

## Disfranchisement

Disfranchisement generally means depriving a person of his or her vote. In the context of the history of Reconstruction, the term refers to the political movement between 1890 and 1910 by which southern states set up voting barriers to effectively remove **African Americans** from the political process. Together with the implementation of **Jim Crow laws**, which took place during the same time, disfranchisement represented a counterrevolutionary response to, and a devastating regression of, the constitutional and democratic reforms introduced during **Congressional Reconstruction**.

### **Background: Black Enfranchisement during Reconstruction**

Black enfranchisement, or **black suffrage**, was a result of the Civil War, which had brought the nation the opportunity not only to end slavery but also to reform its democracy. When the wartime Reconstruction began in late 1863, however, black suffrage was not included in President **Abraham Lincoln's** Reconstruction program. President **Andrew Johnson**, who succeeded Lincoln, continued to ignore black leaders' pleas for **suffrage** and pursued a white (male)-only Reconstruction policy. When southern states implemented “**Black Codes**” in 1865-1866 and later refused to ratify the **Fourteenth Amendment**, the Congress was convinced that, unless the freedmen were enabled with the vote and made a political ally, the party would have little chance to secure the outcomes of the Civil War. In early 1867, Congress took over the leadership of Reconstruction from President Johnson and passed legislation that enfranchised African Americans in the **District of Columbia** and unorganized federal territories and, most important, all freedmen in former Confederate states. Between 1867 and 1868, about 735,000 southern blacks took part in voting. Black votes helped to secure the ratification of the Fourteenth

Amendment, to rewrite southern state constitutions to recognize universal male suffrage, and to elect **Ulysses S. Grant** to the White House in 1868.

Black voting in the South paved the way for the enfranchisement of African Americans in northern and western states, where most were still denied the vote. In 1869, Congress proposed to adopt the **Fifteenth Amendment** to nationalize black suffrage. The amendment did not directly confer upon African Americans the right to vote. Instead it conferred upon them a constitutional right of not being denied voting rights purely “on the account of race, color, or the previous condition of servitude.” The ratification of the amendment in 1870 nonetheless affirmed the new constitutional principle of racial political equality. The election of **Hiram Revels**, a former slave from **Mississippi**, to the U.S. Senate in the same year marked the beginning of a new American democracy at the national level. In the meantime, about 1,400 African Americans were elected to offices at both state and local levels throughout the era of Reconstruction, and twenty-two African Americans were elected to Congress between 1870 and 1901.

However, the struggle for establishing black suffrage did not end in 1870. To meet the challenge of growing **violence** and outright political terrorism—as conducted by the **Ku Klux Klan**, an organization determined to prevent blacks from voting—Congress passed three laws in 1870–1871 to enforce the Fifteenth Amendment. These federal laws penalized both state officials and individuals who obstructed or prevented freedmen’s exercise of the vote by intimidation, conspiracy, or violence. Congress authorized the appointment of federal election supervisors to challenge election irregularities, inspect registration, and certify election results. Federal courts were empowered to hear all the cases arising under the **Enforcement Acts**. Congress also authorized the president to use military force to keep peace at the polls if necessary. The Department of Justice, which was created in 1870, prosecuted a large number of Klansmen and members of similar groups who were involved in preventing blacks from voting.

Federal enforcement, however, began to wane after 1873. A major economic panic of the year had shifted northern attention to economic and labor issues. The lack of adequate funding, insufficient quality of enforcement personnel, and the opposition from within by the **Liberal Republicans** had all contributed to the decline of northern support of enforcement. More detrimental were the **Supreme Court’s** opinions in *United States v. Cruikshank* and *U.S. v. Reese*, both rendered in 1876, which declared several sections of a major enforcement law “defective.” Federal enforcement never regained its vitality after these rulings and subsequently there was a sharp decline in convictions from enforcement cases.

The judicial conservatism reflected the growing northern weariness of the southern problem. In the meantime, the Republican Party, which had dominated both houses of Congress since 1859, lost the House of Representatives to Democrats in the 1874 midterm elections. Republicans also lost control of a number of southern states by 1875, including **Tennessee**, **Arkansas**, **Alabama**, **North Carolina**, and Mississippi. The overthrow of the Republican government in Mississippi was achieved in 1875 through the implementation of the notorious “Mississippi Plan,” which featured a combination of threats, intimidation, and obstruction to stop black votes at the local level.



Against such a backdrop began the bitterly contested presidential **election of 1876**, which eventually ended in a deadlock between the Republican candidate, **Rutherford B. Hayes**, and his Democratic opponent, **Samuel Tilden**. Neither candidate had won the majority of the electoral votes, but the allocation of the disputed electoral votes in **South Carolina, Louisiana, and Florida** would determine the result. Ultimately, the deadlock was broken with a special commission awarding Hayes the disputed votes; he subsequently became president. In return, Hayes promised to withdraw the federal troops guarding the Republican-controlled state governments in South Carolina and Louisiana and allowed the South to restore “home rule.” The withdrawal of federal troops in April 1877 was quickly followed by a return to control by Democrats in all southern state governments, which was referred to as “**Redemption**,” meaning the restoration of home rule and white supremacy. The decline of federal enforcement and the discontinuation of using federal troops to enforce the law left black voters unprotected. Black disfranchisement thus began.

### *Phase I: Early Disfranchisement*

Black disfranchisement was not pursued or implemented in a uniform manner or timetable, at least not in the period of achieving Redemption in the late 1870s and early 1880s. There were two distinctively different periods of black disfranchisement in the post-Reconstruction era. The first period, running from the mid-1870s through the late 1880s, was marked by southern Democrats’ employment of various means, including gerrymandering election districts, manipulating the balloting system, controlling the supervision of elections, and engaging in outright fraud at the ballot box. The goal for this period was to topple the Republican governments that had the support of the majority of African American voters. The second period, running from the late 1880s through the early twentieth century, was marked by the use of constitutional or statutory mechanisms to deprive African Americans of their vote. What distinguished the two periods, as historian Michael Perman puts it, was that the first aimed at diminishing blacks’ voting ability at the polling places, while the second aimed at entirely eliminating blacks’ right to vote, long before they had a chance to reach the polling place (Perman, 14-15).

Mississippi took the lead during the first period. In 1875, the state’s Democrats used various methods to threaten the Republican Party’s black supporters, ranging from verbal and physical threats to threats of unemployment. The Democrats’ strategy contained two parts: to galvanize all whites into the **Democratic Party** and to intimidate black voters into voting Democratic—or keep them from voting at all. Blacks who voted Republican often were dismissed from their jobs. Bribery purchased black votes in some places. Violence was frequently applied. The sweeping door-to-door campaign was very effective, and ultimately responsible for overthrowing the Republican government. Other southern states quickly copied the method.

South Carolina’s 1882 law best demonstrated the manipulation of the election system. The law created a complex registration procedure that required voters to enroll between May and June of that year or to risk permanent

exclusion from the suffrage list. Voters were required to register each time they moved, a measure to penalize transient and migrant **sharecroppers** and workers, many of whom were African Americans. The law also established eight categories of national, state, and local elections with separate ballot boxes for each. The measure, later known as “Eight Box Law,” was designed to confuse illiterate voters. As executed, the law permitted election officials to assist whites and obstruct blacks at polling places.

In the late 1880s, states began to adopt the secret ballot, known as “The Australian Ballot” system. The new ballot system used state-prepared, uniform ballots to replace the previously colored ballots prepared by political parties. Although a reform for the American balloting system, it often disfranchised those blacks who could not read or write, and undermined the effect of party organization and mobilization. In addition to these legally permissible methods, ex-Confederate states still resorted to intimidation and fraud.

In spite of these disfranchising efforts, blacks were not completely removed from the political process. Even in Mississippi, as late as 1888, seven blacks sat in the state legislature, and in the 1890s, Congress admitted black representatives from North Carolina, South Carolina, and **Virginia**. This had a lot to do with socioeconomic structure and the class-based power relations in the post-Reconstruction South. In the late 1870s and throughout the 1880s, biracial political coalitions formed in several southern states, including Virginia and North Carolina. Blacks pledged their support for white political groups in exchange for a share of the minor offices and variable protections of their voting rights. So while white conservatives restrained black voting and prevented federal interference, African Americans used the opportunity to advocate and advance their own economic interests. Indeed, their alignment with different white interests sometimes remained a crucial determinant of a local or state election.

### ***Phase II: Complete Disfranchisement***

For southern Democrats, the destruction of the Republican Party in the South was simply not enough. The constitutional framework as introduced by Radical Reconstruction and the Fifteenth Amendment continued to allow the existence of the so-called “negro domination”—a term used by white disfranchisers in the 1890s to refer to the political viability of southern black voters to determine the result of competitions between different white groups. Thus, the complete denial of blacks’ exercise of the vote emerged as the principal goal for the second period of disfranchisement. Although Democratic disfranchisers like Ernest B. Kruttschnitt claimed that disfranchisement meant to eliminate “mass of corrupt and illiterate voters” who had “degraded our politics” since Radical Reconstruction, the movement was really meant to replace so-called “negro domination” with “white supremacy.” Race, as historian Michael Perman points out, was “the driving force behind disfranchisement” (quoted in Perman, 27).

Nonetheless, race was not alone. Disfranchisement was also motivated by some other contemporaneous developments within each state, the region, and the nation. For instance, dissenting farmers in Mississippi and South

Carolina began a movement to challenge the dominance of state political power by the conservatives and their sometime alliance with the blacks. Federal government activity, especially the congressional debate over a new federal enforcement law, the so-called “Lodge Force Bill,” in 1889–1891, also rendered some impact. Electoral reform, a nationwide movement of the emerging Progressive Movement, and the rise of the Populist Movement all in one way or another mingled with the upsurge of the disfranchisement movement in the South. In South Carolina, the notorious governor Benjamin Tillman spearheaded the movement. He took disfranchisement as a major component of his mission to reform the state’s Democratic Party. In short, southern states’ disfranchisement might begin with diverse purposes, but all moved toward one direction—eliminating black votes.

Disfranchisers, however, had to carefully maneuver their policies through practical and legal minefields to be successful. For instance, disfranchisers might use the loopholes of the Fifteenth Amendment to dismantle its effect, but they could not overtly challenge the amendment. In other words, a race-neutral scheme had to be employed instead of laws like the previous “**Black Codes**.” Also, whatever new conditions a state intended to prescribe to eliminate black voters had to be accompanied by certain not-so-rationally neutral mechanisms, to exempt whites (who might also be poor, or illiterate) from being subject to the eliminating conditions. Otherwise, disfranchisement would not have the popular support from the whites. Thus, disfranchisement was not merely a movement to remove blacks from political process, but also to construct—or reconstruct—a racial hierarchy in the South on a permanent and political basis.

Both **constitutional conventions** and state legislation played a role in designing and implementing disfranchisement. Between 1889 and 1908, most southern states held constitutional conventions to revise the chapters on voting. At the conventions, special parliamentary procedures were introduced to prevent black delegates to exert leverage. In South Carolina’s 1895 convention, for instance, at least ten delegates had to call for a vote on a motion, a device that prevented the six African American delegates from exerting leverage on the conventional proceedings. Methods of disfranchisement adopted by these state conventions include **poll taxes**, literacy tests, complicated registration systems, and residence requirements. In addition, states adopted secret ballot laws, developed elaborate and complicated registration systems, reapportioned representation, and moved to the election of state officials by an electoral college.

Poll taxes had actually been used by at least two southern states in the 1870s, but not as a voting requirement. When Florida and Tennessee required it as a voting qualification in 1889, the poll tax became a ready device to get rid of poor voters, black and white. The scheme required a voter to present the receipt of a tax payment when he tried to register to vote. The time for paying the tax was rather cumbersome and usually long before the registration. The amount of poll tax varied from one to two dollars, but represented a burden to many poor sharecroppers. Those who could not produce their tax receipts were effectively disfranchised. A cumulative poll tax was even more effective since it required voters to produce consistent receipts of tax payments over several years.

Literacy tests, like poll taxes, were universally adopted by southern states. These required voters to read or interpret a certain passage of the state constitution in front of a state election supervisor. To protect illiterate white voters who might otherwise fail the test like illiterate black voters, in its 1890 constitution, Mississippi adopted the “understanding” clause to be attached to administration of the literacy test. Via the “understanding” clause, state officers who administered the test were given the power to judge the result of the test, and thus spare whites. The “grandfather” clause, first adopted in South Carolina in 1890, was another device to exempt whites from the literacy test. It allowed those to vote whose grandfathers, fathers, or themselves were voters before implementation of black suffrage in 1867.

The final disfranchising scheme was the white primary, adopted by southern states during the first decade of the twentieth century. This occurred during the rise of the Progressive Movement, as party primaries were introduced to reform the party nomination systems. Ironically a “progressive” scheme, this was intended to destroy the monopoly power held by party elites, who controlled nominations. However, this device was introduced to the South at the time when the region was completing its movements to disfranchise blacks and to eliminate the Republicans and Populists as viable opponents to the Democrats. Party primaries, instead of general elections, offered the only meaningful opportunities for contested elections, but when Democratic primaries barred blacks from taking part in the process, it rendered them completely powerless in southern politics.

To be sure, many disfranchising mechanisms met strong opposition from white groups, which were divided by regional and economic interests. (Recent studies, however, challenged the traditional “myth” that poor whites had forged a formidable opposition against disfranchisement.) Black disfranchisement was orchestrated and engineered by Democratic Party leaders at various states between 1888 and 1908, while the rank and file of the party and electorate were not involved. The Democratic leaders, however, manipulated the prevalent racist sentiment, sectional animosity toward Radical Reconstruction, and socioeconomic conditions to engineer the political “coup d’état,” a phrase used by political scientist V. O. Kay.

### ***Impact***

The implementation of these disfranchising mechanisms had an obvious impact on southern politics. In the first congressional election (1892) after Mississippi’s disfranchising convention, only 9,036 from a total of 147,000 voting-age blacks were registered to vote. In Louisiana, 130,000 blacks had been registered to vote in 1896, but after the state’s new registration law took effect by December 1897, black votes dropped sharply. In 1900, only 5,320 African Americans were registered, a mere 4.1 percent of the total registration and just 3.6 percent of eligible African Americans. In 1904, only 1,342 were able to vote. In Alabama, after it adopted a grandfather clause in 1901, all but 1,081 of the 79,311 blacks formerly on the rolls in fourteen black-belt counties disappeared.

These new registration laws also discouraged white voters, albeit to a lesser extent. In Texas, for instance, after the implementation of the state’s election

bills of 1903, voter turnout dropped to 46 percent of eligible males, and black turnout fell to 15 percent and in a few years, to 2 percent. In Georgia, white registration fell by 122,000 from a total of 273,000 in 1904, while only one out of every six black voters registered during the same period.

The federal government did very little to stop disfranchisement. After the failure of the Lodge Bill in 1891, Republicans failed to stop the Democrats' repeal of federal enforcement laws in 1894. Even after the party regained the control of the national government between 1897 and 1910, the party made no effort to challenge disfranchisement or reinforce the Fifteenth Amendment. The Supreme Court in its *Williams v. Mississippi* ruling (1898) gave a green light to the use of "grandfather" clauses. In *Giles v. Harris* (1901), the Court used a technical issue to avoid challenging the disfranchising provisions in Alabama's state constitution. Not until 1915 did the Court invalidate the grandfather clause, in the *Guinn and Beal v. United States* ruling. The white primary was challenged by the National Association for the Advancement of Colored People (NAACP) in the 1920s, but the Supreme Court did not declare it a violation of the Fifteenth Amendment until *Smith v. Allwright* in 1944. Other disfranchising schemes, like poll taxes and literacy tests, remained effective until the passage of the Voting Rights Act of 1965 during the Civil Rights Movement, under a different President Johnson. *See also* Black Politicians; Bloody Shirt; Cincinnati Convention; Civil Rights Act of 1866; Compromise of 1877; Gun Clubs; Military Reconstruction Acts; Red Shirts; Republicans, Moderate; Republicans, Radical; U.S. Army and Reconstruction; U.S. Constitution; White Leagues.

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Xi Wang

### District of Columbia, Black Suffrage in

After the Civil War, a substantial minority of Americans, particularly **Radical Republicans**, believed that at least some **African American** males should be

granted the right to vote (**suffrage**, or be enfranchised). However, when such proposals appeared on the ballots in several northern states, they were defeated. In December 1865, voters in Washington and Georgetown, District of Columbia, also defeated an enfranchisement proposal by an overwhelming 7,369 opposed to 36 in favor of **black suffrage**.

Despite this referendum, the U.S. Senate and House of Representatives, as the legislative body for the district, passed a suffrage act in mid-December 1866. This act gave the vote to all males over the age of twenty-one who were citizens, had lived in the district for at least a year, had no criminal conviction, and had not willingly supported the Confederacy. The act thus permitted blacks to vote while **disfranchising** white former confederates.

President **Andrew Johnson** vetoed this legislation on January 5, 1867. Although Johnson believed that educated or property-owning blacks should be able to vote when given that right by their state, he opposed any sort of federal enforcement of suffrage in places which were unwilling to extend the vote themselves. Although Congress had the right to legislate for the district, it should not go against the wishes of residents who had already declined to grant black suffrage. Johnson further opposed Congress using the district for an experiment. Because blacks had so recently been slaves, they were not ready to be informed voters or hold office. Johnson believed that black suffrage in the nation's capital would lead to an influx of other blacks into the city, who would exacerbate current unemployment problems. Forcing black suffrage on Washington would be seen as a prelude to enforced suffrage elsewhere, provoking race hatred. Blacks in Washington did not need special protection, in Johnson's opinion, nor were their votes required to retain a loyal government. In fact, these uninformed voters might be subject to corrupt influences and weaken the government.

Not surprisingly, many members of Congress were unsympathetic to Johnson's views. The Senate overrode his veto on January 7, 1867, and the House followed on January 8. As a result, black suffrage went into effect in the District of Columbia. *See also* Congressional Reconstruction; Emancipation; Fifteenth Amendment; Fourteenth Amendment; Military Reconstruction Acts.

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*Glenna R. Schroeder-Lein*

### **Doolittle, James R. (1815–1897)**

Conservative statesman, lawyer, and senator, James Rood Doolittle's political career spanned the era in which the United States fell into Civil War and passed into and through the era of Reconstruction.

Doolittle was born in Wyoming County, New York. He graduated from Geneva College (now Hobart Smith College) in 1834, and studied law in Rochester. After passing the bar, he returned to Wyoming County, was elected

county district attorney as a Democrat, and at the 1848 New York State Democratic convention, introduced the “Corner Stone Resolution” against extending slavery to new states. This resolution demonstrated Doolittle’s commitment to what would shortly be called the “Free Soil” Party.

### *As a Moderate Republican*

In 1851, Doolittle moved to Racine, Wisconsin, and became a circuit judge two years later. The repeal of the Missouri Compromise via the Kansas-Nebraska Act of 1854 moved Doolittle to become a member of the Republican Party; he was elected a U.S. senator in 1857. Though ardently opposed to the expansion of slavery, he was a reserved **abolitionist**; throughout his political career, Doolittle would consider supporting **emancipation** legislation only if proposals included financial support for black recolonization, or if proposals supported nonslaveholding whites over treasonous plantation owners. Doolittle feared that economic and political competition would arise if true emancipation for blacks occurred. Like many prominent prewar Republicans, including **Abraham Lincoln**, Doolittle believed that “colonization” or the planned relocation of freedmen to a U.S. colony established in the Caribbean or Africa was the only effective resolution to the “Negro question.”

### *Reconstruction and a Return to the Democracy*

A devout Unionist and dedicated supporter of the Lincoln administration during the Civil War, Doolittle’s **moderate Republicanism** transformed into support for **Andrew Johnson** when the latter became president in 1865. Like Johnson, he supported the **abolition of slavery**, but he also opposed extending significant rights to the freedpeople; in 1865, Doolittle blocked the Wisconsin Union Convention from adopting a plank of **black suffrage**. By 1866, Senator Doolittle had moved formally back into the **Democratic Party**, driven away by what he saw as government extremism on the part of the **Radical Republicans** in general and fellow senator **Charles Sumner** in particular. Johnson came to rely on Doolittle as a sounding board, and he was ready and willing to offer the executive advice and political comment. Not surprisingly, Doolittle supported the 1866 **National Union Movement**, and was one of the most vocal defenders of Johnson in Congress. His loyalty drove the Wisconsin State Legislature to call for his resignation in 1867, but he ignored the assault. He stood by the president through all the opposition and considered himself proud to cast a “not guilty” vote for Johnson at the president’s **impeachment** trial in 1868.

Doolittle’s impact was sizeable in other areas as well. His beliefs in the possibilities of colonization made him especially suited to participate in the reform of the Indian Affairs Bureau that also took place in the years shortly after the Civil War ended. Doolittle’s work as the chairman of the Senate Committee on Indian Affairs not only complemented his activities and philosophies during Reconstruction, but laid the groundwork for the **Grant** administration’s large-scale removal of **American Indian** tribes to reservations along the Western Frontier.

After an unsuccessful bid for governor of Wisconsin in 1871, Doolittle largely withdrew from public service. He practiced law in Chicago and taught at the University of Chicago. In 1872, he served as chairman of the Baltimore Democratic convention. He died in Edgewood, Rhode Island, on July 27, 1897. *See also* African Americans; Amnesty Proclamations; Blair, Francis P., Sr.; Civil Rights; Congressional Reconstruction; Elections of 1866; Presidential Reconstruction; Readmission; Swing Around the Circle.

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*Michelle LaFrance*

### **Douglass, Frederick (c. 1818–1895)**

Frederick Douglass, former slave, **abolitionist**, and orator, was born into slavery along the shores of **Maryland**. He was the son of a white man, of whom he knew nothing, and a slave woman, who died when he was a child. Relatives reared him, until he was sold as a child to the Auld family of Baltimore. It was in the Auld home that he enjoyed freedoms that many other slaves did not know; however, upon discovering that his wife was teaching Douglass to write, Hugh Auld demanded her to stop. Douglass secretly continued to pursue reading and writing by bribing other white children with food. Douglass used *The Columbian Orator*, which contained a collection of speeches on democracy and freedom, to study and shape his personal beliefs.

As a teenager, Douglass was sold to a brutal plantation owner who whipped and barely fed him. In 1838, while working on the Baltimore shipyards, he escaped to the North and arrived in New York City. Shortly thereafter, Douglass changed his last name from Baily to Douglass so that he might avoid being taken by slave catchers. Within a month, Douglass married Anna Murray, who was a freed slave he had met in Baltimore. They had five children, four of whom survived to adulthood.

He settled in New Bedford, Massachusetts, and began participating in abolitionist activities and became well known through his slave narratives. He also contributed to abolitionist newspapers, the *Liberator* and *Anti-Slavery Standard*. Prominent abolitionists **William Lloyd Garrison**, **Wendell Phillips**, and William Collins heard Douglass tell his story and encouraged him to take to the abolitionist speaking circuit. In 1841, Douglass heard William Lloyd Garrison speak at an antislavery meeting and adopted his method of oratory. Douglass became involved in the American Massachusetts Anti-Slavery Society, which sent him on speaking tours across the United States and Great Britain.

Shortly after beginning his speaking tour, Douglass wrote his *Narrative of the Life of Frederick Douglass, an American Slave, Written by Himself*.

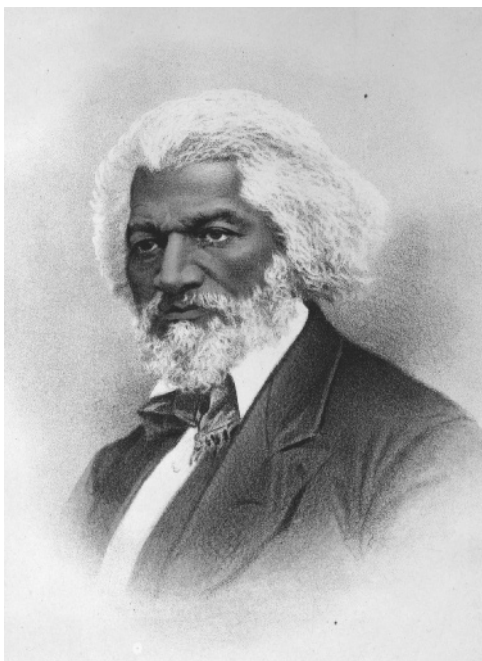


Completed in 1845, this was one of the first narratives written by a slave rather than a white abolitionist, and he asked William Lloyd Garrison and Wendell Phillips to write introductions to the book. Douglass primarily wrote the novel in response to individuals who believed that he was using other slaves' stories. Since he spoke and wrote in such an educated way, many had difficulty believing he had been a slave. Yet his popularity brought risks: he had to flee to Great Britain to avoid capture, since his book made him well recognized throughout the country. Finally, in 1846, two friends from England raised more than \$700 to pay Hugh Auld for Douglass's freedom; he returned to the United States shortly thereafter. Unfortunately, Douglass would flee again, this time to Canada, when documents found among John Brown's possessions implicated him in planning the attack on Harper's Ferry. He was exonerated, and he later returned to the United States permanently.

Douglass became very involved in **civil rights** and the **women's movement**. By 1848, he had begun publishing his own antislavery newspaper, *The North Star*, which was later renamed *Frederick Douglass' Paper*. He also attended the first women's rights convention in Seneca Falls, New York. In 1855, he wrote an account of his slavery days in *My Bondage and My Freedom*, which gave gruesome details of brutality suffered by himself and other slaves.

It was during the Civil War that President **Abraham Lincoln** consulted Douglass regarding options for slaves in assimilating them into the mainstream population. As a result, Douglass became one of Lincoln's trusted advisors, and he assisted in helping recruit **African Americans** for regiments in Massachusetts. Throughout the war, he campaigned tirelessly for the rights of blacks to enlist in the Union army and for **emancipation** and abolition.

Douglass approached politics as a way to further the independence and rights of African Americans. In 1870, he became editor of *The New National Era*, a Washington, D.C., newspaper, which chronicled the progress of African Americans in the United States. The newspaper gave him the opportunities to further his beliefs on the individual rights of his people, but the newspaper closed in 1874. He then served as police commissioner of the **District of Columbia** and was appointed to its territorial legislature by President **Rutherford B. Hayes**. In 1872, he served as a presidential elector at large for New York. Because of his support of presidential candidate Benjamin Harrison, who won the election, Douglass became consul general to the Republic of Haiti; however, he resigned the post a year later in protest of American businessmen who engaged in dishonest industry. Finally, in 1880, President **James Garfield** appointed Douglass to the Washington, D.C., post of recorder of deeds, which managed property sales records in the capital.



Frederick Douglass, c. 1885. (Courtesy of the Library of Congress.)

In 1881, he wrote his final autobiography, *The Life and Times of Frederick Douglass*, which accounted for his postslavery experiences. In 1884, Douglass married Helen Pitts after his wife Anna's death, and they were married nine years. Douglass died in 1895 from a heart attack at his home in Washington, D.C. *See also* Abolition of Slavery; Black Suffrage; Black Troops (U.S.C.T.) in the Occupied South; Emancipation; Military Reconstruction Acts; Presidential Reconstruction; U.S. Army and Reconstruction.

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Mary J. Sloat

### Dunn, Oscar James (c. 1821-1871)

Oscar J. Dunn was a black political leader in **Louisiana** and lieutenant governor of the state from 1868 until his death in 1871. Born in New Orleans to a free woman of color who ran a boardinghouse, he learned to read, write, and play the violin from her lodgers, and before the Civil War he taught music, worked as a barber, and was apprenticed as a plasterer. After the federal capture of New Orleans in 1862, he joined the first regiment of black Union troops raised in Louisiana and achieved the rank of captain, but he resigned in protest in 1863, after having been passed over for promotion.

Toward the end of the war, Dunn became active with a group of fellow free black men and white **Radical Republicans** who advocated **black suffrage**, and he served as delegate to a state convention in September 1865 that marked the founding of the Republican Party in Louisiana. He also participated in **freedmen's relief** efforts and worked with both the **Freedmen's Bureau** and the **Freedman's Savings and Trust Company**. Dunn was appointed to various New Orleans city offices in 1867, and in early 1868, he was considered a possible candidate for governor. The Republican nomination, however, went to **Henry Clay Warmoth**, whom Dunn came to support, and Dunn was nominated lieutenant governor and elected in April 1868, the first black in U.S. history to hold that office.

Although a member of Warmoth's administration, Dunn, along with other Louisiana Republicans, clashed with the governor during the next two years over a number of issues, including Warmoth's appointing of white conservatives to office and his lukewarm support for black **civil rights**, state **patronage** and contracts, appointments at the U.S. Custom House in New Orleans, and both men's future political aspirations. By 1870, the Louisiana Republican Party had become bitterly divided, and Dunn emerged as a leading figure in the anti-Warmoth or "Custom House" faction, which eventually gained

control of the party. When Warmoth temporarily left the state to recuperate from an injury in early 1871, Dunn seized the opportunity as acting governor to remove a number of Warmoth loyalists from office, and he was a leader in the convention later that year that ejected Warmoth and his supporters from the Republican Party. By late 1871, Custom House Republicans considered uniting with Democrats to impeach Warmoth, but this plan was temporarily sidetracked when Dunn died unexpectedly on November 22 from what was called congestion of the brain. His sudden death sparked rumors that he had been poisoned, but no evidence has ever surfaced to substantiate this allegation.

A strong proponent of black political, legal, and economic rights, Dunn had a profound influence among black Louisianans, and his personal integrity in a state known for corruption earned him even his opponents' grudging respect. His funeral was said to be one of the largest ever held in New Orleans, and so deeply was his death felt that it brought a temporary truce to the political warfare in Louisiana. Even Warmoth, who was eventually impeached, was among the pallbearers. Dunn was buried in New Orleans. *See also* African Americans; Black Politicians; Bureau of Refugees, Freedmen, and Abandoned Lands; Congressional Reconstruction; Democratic Party; Freedmen's Relief Societies; Pinchback, Pinckney Benton Stewart; Presidential Reconstruction; Suffrage; Wells, James M.

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*John C. Rodrigue*

# E

## **Eaton, John (1829–1906)**

John Eaton, educator, officer of **African American** troops in the Civil War, Freedmen's Bureau agent, and college president, was born in Sutton, New Hampshire, on December 5, 1829. Although his father owned a substantial 2,000-acre farm, young John preferred teaching to **agriculture**. Beginning his pedagogical career at the age of sixteen, he recognized his need for more formal **education** and attended Thetford Academy in Vermont and later Dartmouth College, where he graduated in 1854. In the years before the Civil War, he served as principal of schools in Cleveland and Toledo, Ohio. In 1859, he began his study of theology at Andover Theological Seminary.

Ordained in 1861, he became the chaplain of the Twenty-seventh Ohio Volunteer Infantry, and served with troops as they fought in Missouri and **Tennessee**. Twice he was captured by Confederates. After the Battle of Corinth (1862), General **Ulysses S. Grant** appointed him superintendent of freedmen for **Mississippi**, northern **Louisiana**, **Arkansas**, and western Tennessee, and charged him with organizing freedmen into camps, providing for their physical and educational needs, and using them to work on abandoned plantations. While there, the African Americans' poverty and sickness stunned him. He requisitioned doctors to help the former slaves and stopped the previous practice of burying horses, mules, and humans in common pits.

A master at public relations, he persuaded northern benevolent associations to send much-needed aid and money. He used black workers on rented plantations or he leased black workers to planters, where males received wages of seven dollars a month and females five dollars a month. New arrivals to **contraband** camps served in hospitals, city residents worked in more professional occupations, and the most physically fit chopped wood. Pushing

education, he established schools and orphanages for young blacks. By 1864, more than 13,000 blacks received instruction in these schools.

Beginning in 1863, he supervised camps outside Memphis, Tennessee, Helena, Arkansas, Natchez, and Vicksburg, Mississippi, and monitored agents working throughout the state. Wanting blacks to begin to understand the dynamics of the free **labor system**, he mediated **contracts** between blacks and white landowners. Hoping to instill his views of marriage on the newly freed, he performed hundreds of black marriages. Alice Eugenia Shirley, the daughter of a Vicksburg, Mississippi, Unionist, became his wife on September 29, 1864. Constant harassment by guerrillas pushed him to form and lead the Seventh Regiment of Louisiana Volunteers of African Descent.

Appointed a brigadier general as he left the army, he received both praise and criticism for his work with the newly freed people. Some applauded his creativity and sympathy for blacks, while others condemned his paternalism and pro-planter policies.

Appointed an assistant commissioner of the **Bureau of Refugees, Freedmen, and Abandoned Lands** (Freedmen's Bureau) in May 1865, his work during the war had prepared him for the difficulties of Reconstruction. He often offered suggestions to Freedmen's Bureau chief **Oliver Otis Howard**. Sensing that the problems faced were intractable, he resigned in December 1865.

After the war, he and his new bride moved to Memphis, Tennessee, where he edited an anti-President **Andrew Johnson** newspaper, the *Memphis Post*. In 1870, he became the U.S. commissioner of education, a position in which he amassed mountains of statistics to encourage Congress and state legislatures to fund better schools. He presented pedagogical workshops that exposed the newest teaching techniques to educators throughout the United States. In his later career, he served as president of Marietta College (1886-1891) at Marietta, Ohio, and Sheldon Jackson College at Salt Lake City, Utah (1895-1899). At the end of the Spanish-American War he organized the schools of Puerto Rico. He died in Washington, D.C., in 1906. *See also* Emancipation; Freedmen's Relief Societies; U.S. Army and Reconstruction.

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Randy Finley

### Edisto Island, South Carolina

Located between Charleston and Beaufort on the **South Carolina** coast, Edisto Island became a focal point for the distribution of land to freedmen following the Civil War. Responding to a request by **African American**

leaders in Savannah, **Georgia**, General **William T. Sherman** issued Special **Field Order No. 15** in January 1865. This order set aside a thirty-mile-wide strip of land along the Atlantic coast from Charleston to **Florida's** St. Johns River for settlement by former slaves. Abandoned by white owners during the war, assistant Freedmen's Bureau commissioner, General **Rufus Saxton** began distribution of the land in forty-acre tracts. Freedmen would be given a possessory title to the land, and in some cases, they received mules and horses that had been seized by Sherman's troops.

Saxton recognized the determination of black people to acquire land. Their love of the soil and desire to own farms amounted to a passion. By June 1865, 40,000 freed people had settled on land that included James Island, Edisto Island, and Hilton Head in South Carolina, and Sapelo and St. Simon's Islands in Georgia.

However, white owners of the land appealed successfully to President **Andrew Johnson** for the return of the land. In September, Johnson ordered the commissioner of the **Bureau of Refugees, Freedmen, and Abandoned Lands**, General **Oliver Otis Howard**, to issue Circular 15, which effectively restored lands occupied by freedmen to the original owners.

Howard traveled to Edisto Island in October to appeal to freedmen to relinquish lands they worked, occupied, and believed that they would own. Speaking to a discontented crowd of perhaps 1,000, Howard insisted that they had to abandon the land, but that he would try to see that they would have the opportunity to work that land. Not placated in the least, a three-man committee—Henry Brown, Ishmael Moultrie, and Yates Sampson—told Howard that they must have land if they were to be truly free.

We were promised homesteads by the government. . . . We are left at the mercy of those who are combined to prevent us from getting land enough. . . . You will see this is not the condition of really free men. You ask us to forgive the landowners of this island. You only lost your right arm in the war and might forgive them [Howard had lost his arm at the Battle of Fair Oaks]. The man who tied me to a tree and gave me 39 lashes, who stripped and flogged my mother & sister & and who will not let me stay in his empty hut except I will do his planting & be satisfied with his price & who combines with others to keep land away from men. (Oubre, 53)

In a petition to Johnson, the freedmen reminded the president that they had "always [been] true to the Union" and that they had every right to the land and were prepared to pay for it. They asked: "And now after what has been done will the good and just government take from us this right and make us subject to the will of those who cheated and oppressed us for many years? God forbid!" (Oubre, 56). Johnson, a Unionist who concurred with **abolition** and the **Thirteenth Amendment**, was nonetheless a former slaveholder who opposed any radical or racial modifications to the South. At a time when even most Republicans rejected the idea of land confiscation, President Johnson was far too racist and conservative to entertain the notion of giving white land to blacks. As a result, the president issued scores of **pardons** to former Confederates, which restored their political rights and their property—including land.

Only those freedmen who possessed valid titles or warrants to the land were permitted to remain on that land, and there was considerable controversy over what constituted a legitimate warrant. Although the precise number is not known, most freedmen on Edisto Island—and elsewhere on the coast—did not retain their land. *See also* Agriculture; Amnesty Proclamations; Congressional Reconstruction; Contraband, Slaves as; Labor Systems; Port Royal Experiment; Presidential Reconstruction; Republicans, Radical; Stevens, Thaddeus.

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*William C. Hine*

## Education

Universal education was one of the most significant and permanent achievements of Reconstruction. This was made possible by government and military intervention, and a profusion of individuals, **churches** and religious organizations, and benevolent societies. **African Americans** themselves lent a considerable hand to these efforts. Advancements, such as the establishment of a never-before-seen southern public school system for blacks and poor whites, private schools, and black colleges and universities, permanently altered the southern landscape. The creation of a viable educational system for blacks proved to be a challenging task, but despite the high hopes of the philanthropists, education did not remedy the social, economic, and political ills of postslavery life.

Prior to the Civil War, education in the South was a luxury enjoyed by affluent landowners and their families. These landowners believed education was a private affair and the exclusive privilege of the wealthy ruling class. Education generally included private tutoring, music and dance lessons, English history, and instruction in plantation management. Extensive libraries located within planters' palatial homes supplemented this individual schooling. Many of their sons attended colleges or universities, followed by one- or two-year tours in Europe. Deprived of schools, the majority of yeomen (small farmers) and poor whites, who lived isolated in hilly or mountainous regions, were illiterate. Most southern states had laws that forbade slaves from receiving an education. In rare cases, sympathetic whites or Free Blacks taught slaves how to read, write, and even do arithmetic. Some slaves taught themselves. Preexisting free black communities, which established their own schools or followed a form of education similar to the wealthy landowners, were other, minor, exceptions. Consequently, education was another way that the great landed communities maintained their dominance over the lower levels (black and white) in this caste system.

During the Civil War, a vast number of individuals and groups swarmed into the South to educate blacks. In 1861, Mary Chase, a free black woman from **Virginia**, opened a school for blacks. Soon after, Mary Peake, another black

woman, set up a school near Fortress Monroe in Virginia. The **American Missionary Association (AMA)** later funded both teachers' salaries. Also in 1861, a black cabinetmaker opened a formerly clandestine school on **South Carolina's** Sea Islands. By the end of the decade, free blacks owned and financed ninety-six schools in **Georgia** alone. Blacks often preferred to establish private schools rather than attend public schools. Parents, mostly impoverished, eagerly paid the tuition to support schools taught and owned by blacks and well known for providing for the specific needs of their students. Moreover, blacks themselves raised significant funds in order to build schools and pay teacher salaries.

Numerous churches and benevolent aid societies (both secular and religious) from the North and South were instrumental in the establishment of new schools. These groups often cooperated with the government and the military. In 1865, Congress created the **Bureau of Refugees, Freedmen, and Abandoned Lands**, also known as the Freedmen's Bureau. The Bureau helped supply buildings using monies acquired from the rental of lands abandoned by their former owners, while private individuals and organizations paid for teaching supplies and teacher's salaries. In 1867, Congress endorsed legislation to provide for universal common schools. The Morrill Act of 1890 provided funds from the sale of federal lands to states willing to establish separate land-grant colleges for blacks. Alcorn A&M in **Mississippi**, Florida A&M, Southern University in **Louisiana**, and Tuskegee Institute in **Tennessee** were among those schools created. Within Congress, black and white politicians also campaigned for more and better schools, colleges, and universities for blacks.

Religious organizations, both black and white, produced more black colleges and universities during Reconstruction than in any other period in America's history. The AMA founded Atlanta University in Georgia, Fisk University in Tennessee, Talladega College in **Alabama**, Tougaloo College in Mississippi, and Hampton Institute in Virginia, which also accepted **American Indians**. White Methodists set up Clark College in Georgia, and Claflin University in South Carolina, and white Baptists funded such schools as Atlanta Baptist College, later known as Morehouse College, in Georgia, and Shaw University in **North Carolina**. The Colored Methodist Episcopal Church opened Lane College in Tennessee, and the African Methodist Episcopal Church established both Allen University in South Carolina and Morris Brown College in Georgia. Many of the elite black men and women of this period attended these schools. More than 100 thriving black colleges and universities exist today.

Despite the proliferation of schools in the South, education was not without its obstacles and problems. Blacks were forced to attend segregated schools and subjected to **violence**, rioting, beatings, and killings. Other obstacles included a lack of funding and permanent support. However, blacks were enthusiastic learners despite inferior school buildings and classrooms, inadequate supplies, and outdated books. Moreover, white teachers at black schools were paid less than at white schools, and black teachers in general were paid even less. Black schools received another blow when the Freedman's Bureau ended most of its operations in 1870. National interest in black education waned





A primary schoolroom in Mississippi. (Courtesy of the Library of Congress.)

thereafter. Moreover, when conservative southern whites regained political power following Reconstruction, they withheld funding to black schools. Without federal and state assistance, schools suffered tremendously.

Many of the problems faced by blacks in society at large were reflected in the new educational system. Believing blacks unfit to govern themselves, whites insisted on controlling, funding, and teaching black schools themselves. On the other hand, blacks—both freedpeople and, to an extent, later generations—desired autonomy. Another issue was that the whites, and some blacks, controlling the schools reinforced black inferiority and stressed the status quo. The popular curriculum of the period promoted middle-class ethics based upon racist ideas geared toward limiting blacks to occupations in **agriculture**, industry, and service rather than empowering blacks to transcend the constraints of southern society. Some southern whites used education as a means of controlling and manipulating blacks.

Despite these significant shortcomings, a burgeoning population of black scholars, inventors, doctors, and professionals appeared. Yet, education did not alleviate the social, economic, and political problems confronting blacks. Southern whites—indeed, most white Americans—did not change their racist views. In fact, they kept blacks in a state not far from slavery by taking away their **civil rights** and liberties through **Jim Crow laws**, hoarding wealth and positions of power, and maintaining dominance through political control, racist court systems and law enforcement, violence, and intimidation. During the years after Reconstruction, white supremacists ousted blacks from arenas

not designated for blacks only. Regardless of these difficult circumstances, education did enable blacks to govern themselves, to maintain self-sustaining communities, to stimulate positive change, and to make contributions to the nation. *See also* Black Politicians; Bourbons; Disfranchisement; Douglass, Frederick; Edisto Island, South Carolina; Freedmen's Relief Societies; Morrill, Justin Smith; Port Royal Experiment; Redemption; U.S. Army and Reconstruction.

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*Gladys L. Knight*

## Elections of 1864

The presidential election of 1864 took place amid a destructive and frustrating war, which substantially affected everything about the contest and shaped the nation's political agenda for years afterward.

### *The Democratic Party and Its Options*

Both **Democratic** and Republican parties were beset by internal divisions as the election approached. In 1861, a small group of War Democrats had all but unreservedly thrown their support to the administration and its policies in order to preserve the Union. Other Democrats were less willing to do so. They were appalled by President **Abraham Lincoln**'s unremitting reach for more extensive powers and increased control over American citizens, both necessary, the administration argued, to meet the national emergency. But Democratic leaders disagreed over how far they should go in resisting the Republican onslaught. A large number believed that the party should clearly support the war as being necessary to restore the Union, but once having publicly legitimated themselves in this way, they should also challenge any attempt to enlarge the scope of federal power under the **U.S. Constitution** or to use the war as an excuse to overthrow the nation's existing social arrangements, particularly in respect to slavery. Their mantra was strict construction and no home front social revolution: "The Constitution as it is, the Union as it was." So-called Peace Democrats turned their faces resolutely against any pragmatic concessions on the war. They believed that continuing it was a mistake, it would not restore the Union, and it would inevitably cause dangerous challenges to the nation's deepest-held values and unacceptable changes to existing political institutions.

Lincoln's issuance of the **Emancipation** Proclamation in the fall of 1862, his "executive usurpation," and suppression of civil liberties (including the **U.S. Army's** arrest of Peace Democratic leaders), confirmed fears of the dangers the country faced if the war was not ended.

The two main party wings argued it out from the early days of the war and into the 1864 national convention in Chicago in late August. They came to an uneasy compromise, adopting a so-called peace platform which, while calling for the Union to be restored and lauding the nation's soldiers for their bravery, branded the war a failure, and severely condemned the administration's actions on the home front. This message was accompanied by the nomination of a candidate, General George McClellan, who actually supported the war, but opposed the extremism that seemed to be gaining momentum in its prosecution. The vice presidential candidate, **George Hunt Pendleton**, came from the party's peace wing.

### *Republican-Turned-Union Party*

The Republicans also had their problems. A vocal bloc, of which the Radicals composed the nucleus, believed that Lincoln was too moderate and hesitant. These politicians and generals had pushed the administration to embrace emancipation, and implement social and economic policies designed to aid former slaves in their transition to self-sufficiency. Lincoln did not totally disagree, and felt it prudent to follow a more restrained course in the hopes of maintaining national unity and winning support from outside the Republican Party. At Lincoln's prodding, party leaders actually changed the name of their organization to the **National Union Party** for the campaign. The Radicals strongly resisted Lincoln's tactics, and, for a time, there was a threat of a split in the party and an independent, Radical-led campaign behind a candidate and a platform more to their liking. That threat ultimately petered out as party members fell into line behind the administration, some of them, to be sure, in a grudging manner. At their national convention in Baltimore in early June, Lincoln's support proved much too strong for the dissidents and he was easily renominated. The delegates selected a War Democrat, **Andrew Johnson** of **Tennessee**, as the Union Party's vice presidential nominee, but the internal disagreements continued to trouble the party as the contest got under way.

### *The Campaign of 1864*

Once the campaign began, internal party divisions dissipated out of necessity: the need to win. Their campaign organizations, the **Union League** Clubs for the Republicans, and the Society for the Diffusion of Political Knowledge for the Democrats, organized rallies and speeches and published pamphlets and partisan newspapers, all of which became the center of a national dialogue—argued in the harshest, most frightening terms possible. At the outset, the Democrats seemed to have the edge, for the campaign was taking place at the bleakest moment of the war. The Union's failure to defeat the rebellion on the battlefield led to growing war weariness and deepening resentment against such policies as emancipation and conscription—conditions that clearly invigorated the Democrats despite their failures in state-level elections

the year before. And no end to the war was in sight. **Ulysses S. Grant's** overland campaign in **Virginia**, begun with high hopes in the spring, seemed to be going nowhere despite enormous casualties to the Union armies. McClellan and his allies constantly played on the administration's failures as well as its submission to Radical demands. They reiterated what they had been saying since early in the war, the administration's "usurpation" of the Constitution for base purposes overlaid by heavy emphasis on racist themes. More than anything else, Democratic leaders believed that the country would reject emancipation and the uplifting of the freed blacks through federal actions, at the expense (they argued) of white Americans. The war had to be won, but that would never happen under Republican leadership and its promotion of social revolution.

The Republicans had their potent electoral weapons, as well, whatever their disagreements. Lincoln's political managers played down the administration's controversial policies on the home front in regard to slavery and individual freedom. They found it useful, instead, to focus on the Democrats' ambiguity about the war. Whatever Democratic support there was, they argued, was grudging and deceptive of the party's true aims. McClellan, who had supported the war in his acceptance letter, was at best a tool of the peace wing of the party, which clearly controlled the Democracy. The "Copperheads" conspired with southern sympathizers to undermine the war effort, not only provoking resistance to the draft, but even working with Confederate agents to undercut morale and damage efforts to mobilize the Union's strength. In short, Democrats belonged to the party of "Dixie, Davis and the Devil" (*New York Evening Post*, September 2, 1864), a subversive, treasonous, element at a time of the greatest danger to the republic. The only way to save the Union was the reelection of President Lincoln and the continuing leadership of the Republican Party.

For a time, all looked bleak for the administration. Even Lincoln believed in the summer that he would lose, but as the campaign developed, the Democrats' apparent edge faded. First, the war news grew better, culminating in Admiral Farragut's seizure of Mobile Bay, General **Philip H. Sheridan's** successful campaign in the Shenandoah Valley, and General **William T. Sherman's** capture of Atlanta. Suddenly there was light at the end of the tunnel, energizing Republican support and bringing wavering voters over to them. By early fall, Democrats' claims of failure no longer seemed as convincing as they had been. Further, Republican leaders were quite successful in mobilizing the soldier vote (several states permitted soldiers to vote in the field) behind their patriotic call for support. October elections in several key states, often an indicator of the public mood, offered little hope for the Democrats, a fact confirmed in early November. Almost four million votes were cast (including the soldiers, who went overwhelmingly for Lincoln), with the Republicans winning 2.2 million of them, about 55 percent of the total, and 212 electoral votes from twenty-two states. The Democrats had substantial popular support: 1.8 million had chosen them, about 45 percent of the electorate, but they remained a minority, winning only three states and twenty-one electoral votes. The Republicans, waving the banner of the Union and denouncing Democratic treason, had proved to be too much for them. *See also* Abolition, of

Slavery; Annual Messages of the President; Confiscation Acts; Contraband, Slaves as; Presidential Reconstruction; Republicans, Moderate; Wade, Benjamin Franklin.

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Joel H. Silbey

## Elections of 1866

The fall elections in 1866 marked a watershed in the history of Reconstruction. The elections pitted the name, policy, and party of the president, **Andrew Johnson**, against the **Moderate** and **Radical Republicans**. At stake was control of the U.S. Congress, and quite possibly the entire Reconstruction program. Republicans scored overwhelming successes across the northern states, assuring that the next Congress that convened would tolerate no opposition from the executive.

### *The Political Atmosphere: Summer 1866*

Reconstruction occurred all across the country, in households and courtrooms, in the planter's fields and in the state legislatures. But regardless of one's interpretation of the process, the federal government would play perhaps the pivotal role in this drama. Its resources, its vision, its power and authority could make or unmake the future. Of utmost importance, then, are two issues: which branch of the federal government controlled Reconstruction, and which party controlled that branch.

The first question had been in play since **Abraham Lincoln** first broached the restoration issue in 1863. With the accession of Johnson to the presidency, at a time when Congress was not in session, it seemed that Reconstruction would be in the hands of the president. But Johnson's program was fraught with problems, for his liberal approach to former slaveholders and indifferent approach to former slaves led to a state of affairs in the South inconsistent with freedom for the latter and defeat for the former. Johnson, a Unionist War Democrat who had supported **emancipation** as a war measure, believed in a rigid **U.S. Constitution** that seemed under assault by radical manipulators bent on bringing racial conflict and federal despotism. When, in 1866, Moderate Republicans sought compromise via such proposals as the **Civil Rights bill**, **Freedmen's Bureau bill**, and **Fourteenth Amendment**, Johnson's hostile rejections drove more conservative Republicans into the Radical camp. Johnson's acerbic speeches, his antagonistic veto messages, and growing **violence** in the South—including the **Memphis riot** and capped by the **New Orleans riot** on July 30—convinced many northerners that the president was beyond cooperation. **Presidential Reconstruction** had failed to assist the

freedpeople, had failed to bring peace, had failed to energize the Republican Party, and had failed to instill and reinforce loyalty in the white South.

So, by the summer of 1866, the two questions above had become linked for many northern voters: The president should not control Reconstruction, and his party should not control the federal government. This set the stage for the 1866 fall elections, which would determine which party controlled Congress and therefore the Reconstruction of the Union.

### *The 1866 Campaigns*

Andrew Johnson understood the stakes, and realized a need to build political momentum. In order to defend his program and stave off Republican assaults, he had to develop a solid base in Congress. His vehicle for this was a new political party. Taking the name of the broad-based party Abraham Lincoln fostered in his successful bid for reelection in 1864, Johnson and his advisors announced their National Union Party in the summer of 1866. President Johnson hoped that the **National Union Movement** would gather all those disaffected with the radical nature of the Republican agenda. Certainly, his base was with the **Democratic Party** and other conservatives, but his appeal had to capture the North. At a convention in Philadelphia in August, pro-Johnson conservatives from around the nation gathered to applaud the Union veterans, criticize the Radical Republicans, and cheer on the program of Andrew Johnson. The so-called “arm-and-arm” convention (because of wartime rivals arriving with arms linked as a show of unity) did its best to promote presidential Reconstruction and Johnson’s message of reconciliation, peace, and stability.

The Republicans countered with two conventions, one in Philadelphia in September and the other later in Pittsburgh. These showed divisions in the party, in particular over **black suffrage**, but did little to either bolster the Republican effort or hamper it. Most Republicans walked a middle road, endorsing certain black civil rights but eschewing dangerous proposals for **suffrage** or land confiscation. In the end, the president, his program, and white southerners were their own worst enemies. Johnson’s ill-fated “**Swing Around the Circle**” speaking tour made more enemies than friends, and even cost him some allies: **James Bennett** and his *New York Herald*, formerly staunch supporters, began to distance themselves from the president after the embarrassing saga. Johnson’s obstinate behavior, and continuous reports of violence in the South, were proof enough that the president and his program had failed.

### *The Elections and Their Significance*

The fall elections began in September and ended in November. With many of the southern states still out of the Union, the elections were primarily a northern and border-state contest. Along with the elections for national office, many states also had state seats up for grabs. As shown by historian Michael Les Benedict, usually in “off-year” nineteenth-century elections (non-presidential years), Democrats running for national office did very well since the focus tended to be on local and social issues. Although an “off-year,” Johnson had turned 1866 into a referendum on Reconstruction, an issue firmly at center stage of a national drama.

Unfortunately for the president and his National Union Movement, election reports brought only disappointment. Turnout was high—the highest of a congressional off-year election between 1858 and 1874—and this too helped the Republicans. In the end, the contest for control of Congress proved to be no contest at all, as Republican candidates swept the field and increased their number in both houses of the national legislature. Johnson candidates suffered terrible losses, and the balance of power in Congress—and the federal government—shifted dramatically. The 40th Congress would be in effect “veto-proof” if members voted by party block, since the Republican Party now constituted more than two-thirds of the House and the Senate; it could in theory pass legislation at will, for it had the requisite numbers to override a presidential veto.

To prevent presidential interference and gather the momentum necessary for a full-fledged Reconstruction program, the sitting Congress called the new Congress-elect into session in March 1867, immediately after the 39th had closed. This would prevent Johnson from acting on his own when Congress was not in session (as he had done in 1865). Therefore, Reconstruction, in many respects, began anew in the spring of 1867, with a Republican-dominated Congress dictating policy. *See also* African Americans; Amnesty Proclamations; Black Codes; Bureau of Refugees, Freedmen, and Abandoned Lands; Cabinets, Executive; Civil Rights Act of 1866; Command of the Army Act; Congressional Reconstruction; Elections of 1864; Joint Committee on Reconstruction; Loyalty Oaths; Military Reconstruction Acts; Pardons; Provisional Governors; Race Riots; Readmission; Recusants; U.S. Army and Reconstruction.

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*Richard Zuczek*

## Elections of 1867

Beginning in September and stretching into November, the fall elections of 1867 presented some of the most complex, and even contradictory, lessons for politicians during Reconstruction. Unlike the rather straightforward congressional **elections of 1866**, or the presidential years of 1868 and 1872, the elections of 1867 occurred at the state level, and involved a wider variety of players, issues, stages—and even results. In general, however, the effect was to embolden the **Democratic Party**, and confuse the **Radical Republicans**.

The elections of 1867 differed from other Reconstruction campaigns in another way as well: there were really two separate sets of elections under way—one in the North and one in the South. Although the central issues for both regions were related to Reconstruction, the elections themselves—who participated, what was at stake, and what resulted—differed tremendously.

### *Southern Elections*

In the South, the former Confederate states were going through the process imposed by Congress via the **Military Reconstruction Acts** of the previous March. These acts called for the **U.S. Army** to oversee voter registration, including **African American** males and excluding many former Confederates, to hold a vote for a **constitutional convention**, and then to supervise the election of delegates for this convention.

It is difficult to neatly summarize the details of the southern state elections; these are covered in state entries elsewhere in this encyclopedia. Taken as a whole, however, some observations can be made. First, the fall elections did represent a real political revolution. For the first time, on a large scale, black men voted in the United States. The Military Reconstruction Act enfranchised black males, and they executed their voting rights in the calls for state constitutional conventions and the selection of delegates to the same.

Not surprising, the nascent Republican Party scored overwhelming triumphs in all former Confederate states. Attempts by white conservatives to stop the conventions by abstaining from voting (to deny the requirement for a majority-voter turnout to validate the election) failed, and actually resulted in Congress passing a new Reconstruction Act to close that loophole. Even President **Andrew Johnson's Amnesty Proclamation** of September 7, which removed political disabilities from many (but not all) former Confederates, could not deny Republican victory. The combination of Confederate **disfranchisement**, black voters, progressive local whites and Unionists (who earned the epithet **scalawags**) and **carpetbaggers** from the North meant nearly every state of the former Confederacy would undergo a complete constitutional revision (**Tennessee** had been readmitted and was not operating under the acts). From the perspective of black and white members of the southern Republican Party, Reconstruction seemed to be steaming along.

### *Elections in the North*

Things were different in the North. Again, these were state elections, without federal seats or positions at risk, but voters in the North went to the polls to vote for municipal, county, and state offices, including their legislatures and governors.

Unlike the previous year, when the congressional elections presented a cut-and-dry issue and a straightforward choice, northern voters in 1867 faced a multitude of topics and agendas. According to historian Michael Les Benedict, this fact by itself foretold woes for the Republicans: During the nineteenth century, in federal election years that did not involve presidential campaigns, Democrats proved victorious. Of course, 1867 did not involve a federal/national election, but the reasons for the Democratic success can be the same: Republicans did better on major, national issues that drew solid party voting, whereas Democrats did better when the topics were local and diverse, without an overriding national theme. Such was the case in 1867.

Of course, no election could completely ignore Reconstruction, and such was true in 1867, but the topics that related to Congress's Reconstruction program took on state characteristics and more local meaning (therefore,



by extrapolating from Benedict's theory, played into Democratic hands). For instance, **black suffrage** was on the ballot in Ohio, Kansas (along with women's suffrage), and Minnesota; the proposals failed in all three states, as did many Republicans advocating them. In other states, issues of **disfranchisement** lost the party votes, as did talk of black equality and land confiscation. The exact reasons for the backlash are unclear. In some cases, moderate voters recoiled from extremist proposals. In other states, Republican intraparty dissension over such topics cost unity; for instance, many Republicans believed an alliance with white conservatives was the only long-term political solution for the southern Republican Party, a solution impossible if land **confiscation** and disfranchisement remained viable.

However, other topics crowded in with Reconstruction, especially since this election lacked a national focus, and for many—after the passage of the Reconstruction Acts—Reconstruction seemed old news. These certainly provided a boost to the Democratic Party. For example, ethnic demographics played a large role in many state elections, pitting the “Yankees” of the Republican Party against the growing number of Irish and Germans who held solidly to the Democratic fold. In Massachusetts and New York, the item of chief concern seemed to be prohibition and liquor laws. In some developing states, it was agitation for—or against—government aid to large **railroad** companies. In the West, which still formed the **agricultural** backbone of an agricultural nation, finances and monetary policy struck a cord. Western farmers supported inflationary policies, quite the opposite from the treasury's contraction program that was retiring greenbacks in preparation for a return to specie. Although the Johnson administration, and in particular his treasury secretary **Hugh McCulloch**, supported the contraction, voters considered it a Republican plot because of the party's hard-money policies and control of Congress. Similarly, many western voters viewed the national debt as a Republican problem, and backed the “Ohio Plan.” The brainchild of **George H. Pendleton** of Ohio, this initiative called for the immediate repayment of government war bonds using greenbacks. Again, this cut across party lines, but as a mobilizing issue favored soft-money Democrats over the hard-money Republicans.

Across the North, Democrats did to Republicans at the state level what the latter had done to them at the federal level the year before. The party of **Lincoln** suffered its worst losses since before the Civil War, with Democrats taking possession of most state legislatures, most governors' offices, and a high percentage of judicial, county, and local positions. The next few years saw an interesting political dynamic at work, with the federal government securely in the hands of Republicans, while Democrats controlled the northern states.

### *Differing Interpretations*

Although historians can carefully evaluate the northern elections in a cold, methodical way, contemporaries had less information, and less tendency to avoid rashness. Therefore, the northern results seemed to offer an array of lessons. Democrats took the results as a true reflection of the American

electorate (unlike in the South, where “military tyranny” imposed Republican rule), and encouraged the party to continue stressing items that seemed to be working: anti-disfranchisement, anti-black suffrage, and proinflation. At the national level, no one was more pleased than the president, and some argue it was electoral success that convinced him the Radicals were on the run—and could be exposed completely by a grand act of defiance, such as the removal of **Edwin Stanton** as secretary of war. Many in the Democratic Party (including Johnson) saw the elections as a positive omen, forecasting presidential success in 1868. Not for the first time, Johnson and his party would misread and miscalculate, to their own detriment.

For Republicans, the meaning was more mixed. To be sure, the northern defeats were a shock and meant the party was doing something wrong, but what? Certain state returns clearly indicated opposition to black suffrage, but did that extend to black **civil rights** in general? Democrats loudly exclaimed that this was a warning, that the fall **impeachment** crisis was now surely dead. Was it? Were voters attacking Republicans for trying to impeach the president—or for failing to do it earlier? Was the message a turning away from radicalism, or a demand for more? Many Radical Republicans believed the latter, that the agenda had been too cautious and needed to more directly embrace the controversial issues.

By and large, however, Republicans saw the Democratic resurgence as a rebuke, a warning against going too far too fast. **Moderate Republicans**, the bulk of the party and the real driving force behind **Congressional Reconstruction**, moved more toward the political center, and became wary of political experiments. Although Johnson forced their hand into impeachment, one sees their conservatism in his acquittal. Certainly the choice of a luke-warm **Ulysses S. Grant** for the Republican nomination in 1868 reflected this also. Even in framing the capstone to the Reconstruction program, the **Fifteenth Amendment**, Republicans remembered this election; they made sure it was written as a negative presentation that banned certain discrimination, rather than a positive conferring of **suffrage**. *See also* Alabama; Annual Messages of the President; Arkansas; Black Politicians; Edisto Island, South Carolina; Elections of 1868; Field Order No. 15; Florida; Fourteenth Amendment; Georgia; House Judiciary Committee; Louisiana; Loyalty Oaths; Mississippi; National Union Movement; North Carolina; Pardons; Port Royal Experiment; Presidential Reconstruction; Readmission; South Carolina; Southern Homestead Act; Stevens, Thaddeus; Sumner, Charles; Tenure of Office Act; Texas; Union League of America; Virginia; Women’s Movement.

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*Richard Zuczek*

## Elections of 1868

The first presidential election since the Civil War, the election of 1868 nonetheless continued many of the same debates seen four years earlier. In particular, arguments swirled over the expansion of the national government and the racial initiatives of the Republican Party, controversies that had been aired since the outbreak of the Civil War in 1861.

### *The Status of the Parties*

Republican leaders were split over their strategy. Some accepted that they had pushed too far, that the 1867 results clearly indicated that they should pull back on their Reconstruction policies; certainly they had to avoid the **black suffrage** issue. The Radical wing of the party strongly demurred: the needed Reconstruction of the South was not yet finished, whites remained defiant and blacks still remained in thrall and under threat. The freedpeople needed protection, economic assistance, and the right to vote, but the more moderate party elements won out. At the Republican national convention in Chicago in May, the delegates unanimously chose **Ulysses S. Grant** as their candidate on a platform that, among other things, declared that black suffrage was a state-level question, not one for the federal government, at least in the states that had not seceded from the Union. Grant's mantra, "let us have peace," seemed to sum up the mood of the country. The Radicals were angry and resistant, but had no choice except to give way before Grant's popularity. Speaker of the House **Schuyler Colfax** of Indiana became his running mate, defeating his Radical opponent, Senator **Ben Wade**, in a close vote.

Despite the **Democratic Party's** resistance to their wartime actions, the Republicans had maintained their political control in the presidential **election of 1864** and the congressional **elections of 1866**. As a result, the Democrats were in a chastened mood. They had been hurt by Republican assaults on their apparently less-than-full commitment to the war effort, their wavering in the face of the nation's determination to defend itself even at the cost of much bloodshed. In 1867, however, the party came bouncing back, at least partway, in a number of state-level victories and other, unexpectedly close run, contests. A combination of internal Republican divisions over **Congressional Reconstruction**, and the potency of the anti-**African American** sentiment as played on by the Democrats, had helped the latter make striking gains. The **impeachment of President Andrew Johnson** added to the party's determination and their hopes. The country seemed tired of heavily contested policies for reconstructing the South and was brutally racist in its response to postemancipation government attempts to aid the freedpeople. The **readmission** of southern states to the Union under President Johnson's lenient Reconstruction policies promised to add to the national Democratic vote as well. The party came into the election season in better shape than it had been for some time. Party leaders intended, therefore, to push ahead on the themes of restoration, excessive Republican radicalism, and resistance to black-centered policy initiatives. At the same time, they were determined not to let their opponents continue to brush them with the charge of treasonous behavior during the war.

Unfortunately for their hopes, the Democrats were also divided. The battles between Peace Democrats and the rest of the party had ebbed but had been replaced with sharp divisions over federal monetary policy. One group, particularly strong in the West, demanded the continuation of wartime federal policies concerning the national banknotes that had been issued during the emergency to help finance the conflict. These monetary radicals wanted the notes to remain in circulation and expanded in number rather than being withdrawn, as a necessary way of boosting a faltering economy. Fiscally conservative Democrats, particularly in the eastern states, committed to specie (metallic money) as the only legal circulating medium, resisted such financial heresy as dangerous, sure to disrupt and weaken confidence in the American economy, and warned their colleagues that they would lose once more unless they gave up such wild ideas and kept their focus on Republican Reconstruction failures.

At the Democratic convention in New York, which convened in the newly completed Tammany Hall on July 4, the soft money leader, **George Hunt Pendleton** of Ohio, took the early lead for the nomination but fell before the resistance to him from the more conservative wing who, while divided over a candidate, were determined not to let Pendleton, a peace leader four years before, and now a wild money man as they saw it, get the nod. (They were helped by the convention once more adopting the two-thirds rule—the number of votes a candidate needed to win the nomination.) For a time, some favored Chief Justice **Salmon P. Chase**, who had once been a Democrat, helped found the Republican Party, and sat in **Lincoln's cabinet**, but then broke with his radical friends and handled the impeachment trial of Andrew Johnson with unexpected fairness. He could perhaps have been the best vote getter the party could put forward, but that was more than most party loyalists could accept. The conservatives finally fixed on **Horatio Seymour**, wartime governor of New York who had strongly challenged the Lincoln administration's "despotic" policies, while at the same time supporting the war.

After a long struggle, Seymour was finally nominated on the twenty-second ballot. **Frank Blair, Jr.**, of Missouri, a former Republican, Civil War general, and scion of a once-prominent Democratic family, was easily nominated for vice president.

### *The Campaign Opens*

In the campaign that followed, both parties articulated their familiar themes through the usual run of speeches, pamphlets, and newspaper editorials, all circulated as widely as possible. Seymour and his colleagues reiterated their well-established constitutional and social conservatism. Their focus remained fixed on the failure of, and revolutionary tumult caused by, Republican southern policies despite their leaders' efforts to hide behind Grant's popularity. The Democrats' stance was, in the words of the April 14, 1868 issue of the *New York World*, "1. Opposition to Congressional usurpation. 2. Opposition to Negro supremacy. 3. Immediate restoration of the unity and peace of the nation."

The Republicans predictably counterattacked by waving the "**bloody shirt**," emphasizing the violent actions by southern whites determined to reverse the results of the war, the involvement of the Democrats in aiding and abetting



The strongly racist character of the Democratic presidential campaign of 1868 is displayed in this elaborate attack on Reconstruction and Republican support of Negro rights. (Courtesy of the Library of Congress.)

southern treason, and Seymour's support of the draft riots in New York City in 1863. (In trying to calm a violent crowd of rioters, he had allegedly addressed them as "my friends.") In Republican rhetoric, Seymour was "a traitor at heart." They also went after Blair for his strong statements that were not only pro-southern, but which seemed to call on former Confederates to resist Republican efforts in the South, even violently. In short, the contest was between Radicals and Copperheads, despotism and freedom, and—when economics came up—stability versus revolution, that is, hard money versus paper.

In the end, Republicans won their third straight presidential election, albeit with reduced margins. They captured twenty-six states with 214 electors, and 52.7 percent of the popular vote, to the Democrats' 80 electors and just over 47 percent of the votes cast. Eight (of eleven) reconstructed states of the former Confederacy participated in the election, with the Republicans winning six of them. However, the Democrats gained forty-two seats in the House of Representatives, rebounding from their disastrous totals of two years before. They hadn't won the presidency, nor regained control of Congress, but the results still gratified many Democrats and startled Republican leaders. The mood of the country seemed to be changing in the Democrats' favor. Nevertheless, the Republican Party was still in command, if in reduced circumstances. The potency of wartime memories, and charges of treasonable behavior, continued to

favor the party of Lincoln. *See also* Presidential Reconstruction; Recusants; Republicans, Moderate; Republicans, Radical; Violence.

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## Elections of 1876

Many regard the U.S. presidential election of 1876 as the most disputed and controversial in American history. The **Democratic Party** nominee, **Samuel J. Tilden**, prevailed over Republican Party nominee **Rutherford B. Hayes** in the popular vote, but ran neck and neck in the Electoral College. The situation escalated when twenty electoral votes were disputed in Oregon, **Florida**, **Louisiana**, and **South Carolina**. Congress was compelled to create an unprecedented **Electoral Commission** to address the deadlock. After a long and intense standoff and a secret negotiation between opposing party leaders, Rutherford B. Hayes emerged as the nineteenth president of the United States.

### *Conditions Prior to the Election*

Americans were anxious to replace President **Ulysses S. Grant**. Many blamed him for the **Panic of 1873** and the ensuing depression that had engulfed the nation, and his administration was notorious for its **scandals** and corruption. The Democrats, who had been out of power since 1861, were hungry to reclaim the presidency. They resented the Republicans, faulting them for instigating the Civil War and enforcing Reconstruction. By 1876, the Democrats had regained political power in all but three southern states—Louisiana, South Carolina, and Florida—by ruthlessly subduing Republican opposition and **black suffrage**. Thus, the Democrats represented a formidable challenge to the Republicans. For their part, the Republicans were desperate to keep the Democrats out of the presidency. Both parties were prepared to win at any cost.

### *The Nominees*

Ohio Governor Rutherford B. Hayes narrowly won the Republican Party nomination over **James G. Blaine**. His running mate was William Almon Wheeler of New York. Hayes was an attorney and Civil War hero who had served three terms as governor of Ohio. The Republicans were particularly interested in Hayes because he was a well-known reformer. Although Hayes was a prominent leader, he did not necessarily outshine his rivals.

The Democratic Party was nearly unanimously in favor of New York governor Samuel J. Tilden, an eminent lawyer with many **railroad** companies as

clients. Tilden had gained renown by challenging the powerful Tammany Hall organization and prosecuting **William M. "Boss" Tweed**. His running mate was Thomas Andrews Hendricks of Indiana.

The Greenback Labor Party nominated New York's Peter Fennimore Cooper for president and Ohio's Samuel F. Cary for vice president. Cooper had a striking background. He was a philanthropist and proponent of the **American Indian** reform movement. He also manufactured "Tom Thumb," the first steam-powered railroad locomotive made in America. The other parties, too small to pose a significant challenge, included the Prohibition Party, the American National Party, and the Communist Party.

### *General Election*

The election of 1876 was a hotly contested race. Both the Democratic and Republican nominees promoted reform and the end of Reconstruction; both rallied an equally large number of supporters. Tilden garnered 4,288,546 votes. Hayes lagged behind him with 4,034,311 votes, and Cooper was third with 75,973. Thus, Tilden was the decisive winner of the popular votes, but the situation was far from clear in terms of the Electoral College votes. By the end of election day, Tilden had 184 electoral votes to Hayes's 165. The twenty remaining votes were in dispute. Outraged by the outcome, the Republicans argued that the Democrats had intimidated and bribed blacks, thereby taking votes that should have gone to Hayes. The Democrats retorted by accusing the Republicans of tampering with ballots in Florida. Evidence indicates, in fact, that both parties bought votes in Florida, Louisiana, and South Carolina.

### *Electoral Disputes*

Congress was faced with a serious problem. One of Oregon's three electors, John Watts, could not be counted since he was a postman, and no federal officeholders were allowed to participate in the Electoral College. Oregon's Democratic governor Lafayette Grover tried to replace Watts with a Democratic elector, but Watts resigned his job, thereby legitimatizing his vote for Hayes. This left the nineteen contested votes in the three southern states.

Congress faced a unique challenge. Florida had four electoral votes, Louisiana eight, and South Carolina seven, just enough to put Hayes over the top if he had them all. All three states presented dual electoral votes to Congress, one from the official election supervisory agency and the other from the **carpetbag** Republicans. The supervisory agency showed Tilden ahead in the popular vote, but the Republicans nullified many Democratic ballots, claiming that the Democrats had committed fraud and used **violence** to steal votes. During the several months it took for Congress to reach a solution, tensions mounted.

### *The Electoral Commission of 1877*

The Electoral Commission of 1877 was Congress's response to the election crisis. Its objective was to decide each of the nineteen disputed votes. The commission comprised five senators, five representatives, and five members of the **Supreme Court**. There were supposed to be seven Democrats, seven

Republicans, and one independent, but Justice **David Davis**, who was originally chosen as the independent, resigned from the Supreme Court for a Senate seat. Since all of the remaining justices on the Supreme Court were Republicans, it appeared that Hayes would be a sure winner. The day before the final vote, Justice Joseph Bradley announced his support for Tilden, the Democratic nominee, but he changed his vote after several Republicans met with him.

The next day, Bradley produced the definitive vote that gave the presidency to Rutherford B. Hayes, but Congress still had to approve the commission's decision. The Senate was dominated by the Republicans, but the House of Representatives, as a result of the 1874 election, was controlled by the Democrats. Enraged by the commission's decision, House Democrats threatened to filibuster the official Electoral College vote. The Republicans were just as determined to uphold Hayes's win. Without a resolution in sight—and with the inauguration day fixed—many feared that a second Civil War was imminent.

### ***The Compromise of 1877 and the Results of the Election***

Representatives from the Democratic and Republican Parties met in secret in the late winter of 1876 to negotiate what came to be known as the **Compromise of 1877**. They reached an agreement that brought an end to the presidential impasse. Democrats agreed to support the commission's decision in exchange for several promises. The specifics of those promises remain in dispute, but historians do know that the Republicans agreed to withdraw federal troops from the South, end Reconstruction, and provide support for southern railroads and internal improvements.

Two days prior to inauguration day, Congress awarded the nineteen remaining disputed votes to Hayes, giving him a total of 185 electoral votes, one more than Tilden. To obviate Democratic backlash, Hayes was sworn in as president in the Red Room of the White House on March 3, 1877. Two days later, Grant again swore in Hayes in a peaceful public ceremony.

In general, Hayes had a successful term. He attacked corruption in the federal government, grappled with civil-service reform, and brought about an end to the depression caused by the Panic of 1873. His presidency saw Herculean progress in America's economy, industry, and technological advancements. However, the withdrawal of federal support and law enforcement in the South left **African Americans** and their southern Republican allies unable to defend themselves against the heinous crimes of **disfranchisement**, discriminatory laws, and violence. Thus, the election marked the end of any serious, federally sponsored reconstruction efforts for nearly a century. *See also* Gary, Martin Witherspoon; Gun Clubs; Hampton, Wade, III; Kellogg, William Pitt; New South; Nicholls, Francis Redding Tillou; Packard, Stephen B.; Redemption; Red Shirts; Scandals; Shotgun Plan; Supreme Court; U.S. Army and Reconstruction; U.S. Constitution; Wells, James M.; White League.

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*Gladys L. Knight*

### **Electoral Commission of 1877**

After more than a month of intense wrangling, the Republican-controlled Senate and the Democratic-controlled House of Representatives created the Electoral Commission of 1877 to settle the disputed presidential **election of 1876** between Republican **Rutherford B. Hayes** of Ohio and Democrat **Samuel J. Tilden** of New York. Although this unprecedented tribunal did little to quiet the highly charged political atmosphere both inside and outside Washington, D.C., it did ultimately resolve the crisis and bring closure to Reconstruction. It also made evident the necessity of a statutory procedure for counting the vote and resolving disputes, which was finally established in the Electoral Count Act of 1887.

### ***The Election of 1876***

In the November election, Tilden, the popular vote winner, came up one vote shy of the 185 electoral votes necessary to put him in the White House. Hayes had 165, but both parties claimed twenty disputed electoral votes. Although Hayes was able to claim one of these, a questionable Oregon elector, nineteen contested votes came from **South Carolina, Florida, and Louisiana**—the last three states where lingering Republican Reconstruction regimes still controlled the governor's office and the election machinery. In each of these southern states, Democratic intimidation of black voters produced majorities and a set of electoral returns for Tilden, but Republican returning boards threw out what they determined to be fraudulent votes and created a second set of returns favoring Hayes. If Congress accepted the Republican returns, Hayes could then claim victory in the Electoral College.

Convening in December, the lame-duck 44th Congress faced a partisan deadlock over which set of electoral returns from the three states should be deemed legitimate and who should do the counting. The terse Constitutional guidelines in the Twelfth Amendment stipulated only that “the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the [electoral vote] certificates and the votes shall then be counted.” Republicans clearly preferred that Thomas W. Ferry, president of the Senate, be allowed to count the disputed electoral votes—accepting those favoring Hayes, of course, yet they had previously denied such a power and the Senate president had never counted the votes under comparable circumstances. Democrats, with a majority in the House, argued that only the two houses acting concurrently had the power to determine which votes should be judged valid.

### *Creation of the Commission*

To deal with the impasse, in mid-December, the Senate and House created select committees, which began to meet jointly in early January 1877 to consider possible compromise solutions. Headed by Republican senator George F. Edmunds of Vermont and Democratic representative Henry B. Payne of Ohio, the joint select committee worked through various proposals from both sides and recommended an Electoral Commission to be composed of five senators, five representatives, and five members of the **Supreme Court**. Given the Republicans' Senate majority, three of those five commission seats went to Republicans—**Oliver P. Morton** (Indiana), Frederick T. Frelinghuysen (New Jersey), and Edmunds—who were joined by Democrats Thomas F. Bayard (Delaware) and Allan G. Thurman (Ohio). Because the Democrats controlled the House, they had the same three-to-two advantage and selected Representatives Eppa Hunton (Virginia), Josiah G. Abbott (Massachusetts), and Payne, while Republicans chose **James A. Garfield** (Ohio) and George F. Hoar (Massachusetts). Although the five members of the Supreme Court were supposedly nonpartisan, the joint select committee chose two known Republicans (Justices Samuel F. Miller and William Strong) and two Democrats (Justices Nathan Clifford and Stephen J. Field) and charged them with selection of the final justice and ultimately deciding vote—which figured to be **David B. Davis** of Illinois, an Independent. The tribunal was to hear legal arguments from each side and was empowered, if it thought necessary, to go behind the returns and investigate each contested election. Only the concurrence of *both* the Senate and House could overturn the commission's decision in the disputed cases.

Senate and House Republicans actually opposed the Electoral Commission bill 57 to 84, but Democrats, thinking that the Independent Davis would endorse some of Tilden's claims, provided overwhelming support (181 to 19) in both houses. However, on January 25, a day before the final vote was taken, the Illinois legislature, ironically with full Democratic backing, elected Davis to the U.S. Senate. Even though he remained on the Court until March 5, he refused to join the commission, and the final seat went to Republican appointee Joseph P. Bradley, in Democratic eyes the least objectionable of the remaining justices.

### *Counting the Votes*

On February 1, the electoral count began, and when the dual returns from Florida were reached, the joint session of Congress stopped the count and sent the case to the Electoral Commission. For the next ten days, the tribunal heard opposing arguments from a distinguished battery of Republican and Democratic lawyers, but decided not to go behind the returns signed by the Republican governor to examine the circumstances of the election, and awarded Florida to Hayes by a partisan margin of eight to seven. Tilden's supporters denounced Bradley's partisanship and the Democratic House rejected the commission's finding, but the Republican Senate approved it, so Hayes won Florida on February 10. Distressed House Democrats engaged in dilatory behavior such as

recessing and periodically threatening a filibuster to delay the count as the eight-seven margin of the commission and Senate approval enabled Hayes to gain Louisiana's vote on February 16 and South Carolina's on February 28, giving him the necessary 185 votes. In the end, Democratic leaders had little stomach for the uncertainties of an interregnum and only delayed completion of the count until March 2, the eve of Hayes's inauguration.

Meanwhile, some southern Democrats sought Republican economic support for internal improvements and **patronage** influence in exchange for not supporting the Democratic filibuster, but primarily they worked behind the scenes extracting pledges from Hayes's supporters that he would not continue to endorse Republican administrations in Louisiana and South Carolina (Florida was already under Democratic control). When Hayes removed the troops supporting the Republican regimes after his inauguration, they collapsed, thus returning the entire South to "home rule." *See also* Chamberlain, Daniel Henry; Compromise of 1877; Disfranchisement; Gary, Martin Witherspoon; Gun Clubs; Hampton, Wade, III; Kellogg, William Pitt; Nicholls, Francis Redding Tillou; Packard, Stephen B.; Redemption; Red Shirts; Scandals; Shotgun Plan; Supreme Court; U.S. Army and Reconstruction; U.S. Constitution; Violence; Wells, James M.; White League.

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Terry L. Seip

### **Elliott, Robert B. (1842-1884)**

Robert Brown Elliott is as clear an example as Reconstruction provides of a talented **African American** who rose from obscurity to positions of considerable political power as one of the leading Republicans in **South Carolina**. Although Elliott claimed to have been born in Boston on August 11, 1842, to parents from the West Indies, his biographer concludes that he was more likely born in Liverpool and arrived in Boston shortly after the Civil War. Somewhere, though probably not Eton College as he claimed, Elliott received a first-rate classical **education**, as his political speeches demonstrated. What does appear certain about his early years is that by 1867, he was working as a typesetter in Boston when he heard of an opportunity to move to Charleston, South Carolina, to join **Richard H. Cain** on the staff of a Republican newspaper, the *South Carolina Leader*.

Arriving as a black **carpetbagger** in South Carolina in March 1867, Elliott threw himself into political activity in response to the **Military Reconstruction Acts**, helping to organize the **Union League of America** and then serving as a delegate to the 1868 **Constitutional Convention** from Edgefield

County. In the convention, Elliott opposed **poll taxes** and literacy tests for voting. He was elected to the South Carolina House of Representatives later that year and served through 1870. Elliott also served as president of a state-wide labor convention in 1869. Elliott held several other positions and quickly became one of the most powerful Republicans in the state. He served as assistant adjutant general in 1869 and was largely responsible for organizing the controversial state **militia**. By 1872, Elliott was a member of the state executive committee of the Republican Party in South Carolina. During this period, he was admitted to the South Carolina bar, and he formed a law partnership with Macon B. Allen and **William J. Whipper** in 1868.

In 1870, Elliott was elected to the U.S. House of Representatives, where he served two terms and was widely noted for his speaking ability and his determination to protect African Americans from **violence** and discrimination. Elliott's first major speech was in support of the **Enforcement Act**, but his most celebrated speech was delivered on January 6, 1874, in support of the bill that became the **Civil Rights Act** in 1875.

Elliott chose to resign his seat in Congress in 1874 and return to South Carolina to fight the corruption that was weakening the Republican Party. In cooperation with **Daniel H. Chamberlain**, Elliott succeeded in pushing the corrupt governor of South Carolina, **Franklin J. Moses, Jr.**, out of political life. He also formed a new law partnership with Daniel Augustus Straker and T. McCants Stewart. Elliott was elected to the South Carolina House of Representatives in 1874 and became the Speaker. In the chaotic **election of 1876**, he ran unsuccessfully for attorney general. By this time, the white conservative backlash in South Carolina was beyond control, and **Redemption** took its toll. With his law practice in tatters because of his Republican politics, Elliott accepted a federal **patronage** job as a customs official in Charleston. In 1881, Elliott was transferred to a customs post in New Orleans, but he soon found himself out of work. He died of malarial fever in New Orleans on August 9, 1884. *See also* Bourbons; Congressional Reconstruction; Disfranchisement; Scalawags; Scandals.

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*Bruce E. Baker*

## Emancipation

From the earliest days of colonization, blacks in America resisted enslavement through flight, appeals for reform, refusal to labor, and open rebellion. Determined to hold them in bondage, whites responded with the oppressive power of law, prejudice, and custom; appeals to property rights; paramilitary terror; and the military might of state and nation. After 1800, the spread of paternalist ideology only broadened the terrain of struggle. By 1860, slavery was firmly entrenched in American law and economic life, and seemed likely to expand its influence, yet **African Americans** and a handful of committed

**abolitionists** were more unreconciled to the peculiar institution than ever. The election of Republican **Abraham Lincoln** to the presidency that year brought the question of emancipation to crisis.

### *Secession and Slavery*

Undeniably, the promulgation of the Emancipation Proclamation on January 1, 1863, marks a watershed in American historical development. It changed the meaning of the Civil War and led to the reconstruction of the United States under the contested terms of the **Thirteenth Amendment**. Yet the South, not the North put the question of emancipation on the table at the moment of secession. For all their talk about state's rights, it was the fear that Republicans would weaken, restrict, and eventually overthrow slavery, which drove white southerners toward disunion. The belief that a powerful coalition of intransigent African Americans, moralizing Yankees, and white southern "traitors" would subvert bondage formed the core of secessionist arguments.

The notion seemed absurd. America's slave population had quadrupled to four million souls across three generations, with no prospect of tailing off, and no sign that anyone had a viable plan of emancipation that would not wreck the national economy. More than this, racist whites could conjure up no realistic ideas for how to live with African Americans after emancipation, no workable scheme of segregation, or return to Africa. Britain's compensated emancipation program (1834) was derided as a softhearted disaster, offering powerful arguments against change. By 1860, too, there was little legal foundation for tinkering. Slavery was well protected in the nation by state and federal law. The 1857 **Supreme Court** decision in *Dred Scott v. Sanford* had ruled firmly that slaves were property, not persons, and that government could not interfere with owners' rights to these chattels. Implicitly, then, territorial governments could not restrict slavery without falling afoul of constitutional imperatives. For all moderates' concerns that a nation "half-slave, half-free" could not endure, America on the eve of secession was anything but "a house divided" in legal terms. Lincoln himself declared that he possessed neither power nor inclination as president to promote emancipation. Two days before his inauguration, Congress sent to the states an amendment to the **U.S. Constitution** intended to unite the country and end antislavery agitation once and for all. Henceforth, no law could be made to "abolish or interfere" with slavery in states where it now existed. To save the Union, American leaders were content to write a Thirteenth Amendment that would have rooted African Americans in bondage forever. Who could have imagined that, just five years later, slavery would be utterly destroyed, and that African Americans would be soldiers, property holders, voters, and even legislators?

### *Beginning of the End: The Civil War*

It was, fundamentally, the intractability of masters and slaves themselves which propelled emancipation. Slaveholders, first, refused to be dissuaded from disunion by Lincoln's denials of abolitionist purpose and Congress's sweetheart deal. Slaves, meanwhile, grasped almost instantly that war between whites might mean freedom for African Americans. They did not break

their chains through mass rebellion—politically and militarily, such a course was impossible. With powerful restricting ties to kin and community and the military firepower of whites, most enslaved peoples bided their time and watched carefully. As the war progressed and more and more white men left rural southern communities, in some instances, slaves were running the plantations and although they were still technically enslaved, freedoms increased for African Americans.

In other instances, direct resistance grew. As white southerners went off to fight Yankees, and mobilized slave labor to support that task, the steady trickle of runaways swelled, particularly in border areas. That put pressure on local Union commanders: Should fleeing slaves be returned to rebel masters, potentially to strengthen Confederate resistance? Six weeks after the fall of Fort Sumter, General **Benjamin F. Butler** said no, with delicious irony. Since *Dred Scott* had declared slaves property, he asserted, fugitive slaves at **Virginia's** Fortress Monroe were actually “**contraband** of war,” rebel property to be confiscated and put to work against the southern cause. The notion was almost whimsical, but at the beginning of August 1861, Congress backed him up with the **Confiscation Act**, denying owners' claims to fugitive slaves who had been employed in Confederate war efforts. Although worded via the property loophole, the move was in contradiction to the War Aims Resolution passed in the spring at the outset of war, when Congress openly declared that preserving the Union was the purpose of the war; the government, the resolution affirmed, had no intention of interfering with the “domestic affairs” of the states—meaning slavery.

However, with the failure of Union troops to crush the rebellion at Bull Run in July, northern feeling mounted that southerners should suffer for their intransigence. Led by **Frederick Douglass**, African American leaders agitated for immediate emancipation. Lincoln, however, strove to rein in radical sentiment, hoping a moderate course would win back the border South. When General John C. Frémont freed the slaves of Missouri rebels at the end of August, Lincoln warned him to go no farther than the Confiscation Act allowed. Four months later, he toned down Secretary of War Simon Cameron's annual report to Congress. Passages favoring emancipation and the use of contrabands as soldiers and military laborers were struck out, and soon afterward Cameron himself was gone, replaced by a more politically adept (and honest) **Edwin Stanton**. Facing the racism of the North, and the fact that four Union states allowed slavery—the “border states” of **Maryland**, Delaware, **Kentucky**, and Missouri—Lincoln was understandably hesitant to move too quickly.

Throughout 1862, runaway slaves, local military commanders, intransigent abolitionists, **Radical Republicans** in Congress, and Confederate victories all conspired to push emancipation upon Lincoln. In mid-March, Congress forbade military leaders from returning fugitive slaves to their owners, implicitly rebuking the president's order to Fremont. Emboldened—and plagued by thousands of contrabands—General David Hunter wrote the War Department from his post in the **South Carolina** Sea Islands two weeks later, seeking permission to enlist the African Americans whose masters had fled. While Washington dithered, he began mustering in. When Stanton refused pay or

equipment for **black troops**, he disbanded grudgingly—then unilaterally declared all slaves in South Carolina, **Georgia**, and **Florida** free on May 9. Lincoln nullified Hunter's order ten days later, pushing harder the program of voluntary, gradual, compensated emancipation he sponsored. Congress had guaranteed funding for the program on April 10, and one week later abolished slavery in the **District of Columbia**, paying off loyal owners and appropriating funds for voluntary expatriation. By mid-June, Congress had solved the territorial question that split North and South, henceforth prohibiting slavery. For loyal border-state slaveholders, the handwriting was now on the wall. If they did not endorse gradualism and take cash for slaves, Lincoln warned, the war would leave them nothing at all. When border-state congressmen balked again, Radicals drove through sweeping changes with the passage of the Second Confiscation Act on July 17, 1862.

The act lashed out at all the temporizing Lincoln, Stanton, and the moderates had done for the past year. It allowed military officials to seize the slaves of persons engaged in or assisting the Confederate cause, ordered the seizure and sale of rebel property, and forbade the army from surrendering runaways to any claimant. Coupled with a new **Militia** Act, it authorized the president to enlist African Americans for any military service “for which they may be found competent.” Slave volunteers would be granted freedom, and this award extended to other family members in cases where their owner was disloyal. In the North, in the Sea Islands, and in **Louisiana** (again, thanks to Benjamin Butler), regiments of “U.S. Colored Troops” began recruiting within weeks of this new legislation. Five days later, a hard-pressed Lincoln informed his **cabinet** that he was now determined to emancipate all slaves in rebel states. Pending a significant military victory, however, the president agreed to withhold his announcement.

### ***No Turning Back: The Emancipation Proclamation***

The bloodbath at Antietam was nothing like the breakthrough Lincoln hoped for, but it would have to do. The preliminary Emancipation Proclamation of September 22, 1862, announced that slaves held in rebel areas would be declared free on January 1, 1863. Simultaneously, it promised compensation once again for gradual or immediate emancipation programs any state would undertake; colonization would likewise be funded. Confederates and abolitionists alike scoured the plan, but it took effect at the beginning of 1863, backed up by new language promising to enlist African American troops for the Union cause. The peculiar institution was not outlawed by Lincoln's edict—slavery continued inviolate for loyal masters in loyal states—but there could be little prospect of its long-term survival.

Over the next two years, fully 200,000 African American men mustered into federal service. Many more than this refused to labor for the Confederate cause and made their way to Union lines in what has rightly been called the greatest strike in American labor history. Though only a few black regiments saw combat before Appomattox, they demonstrated courage and discipline in every instance. By June 1864, African American soldiers earned the same pay and enjoyed the same protections as whites. In upper South states such as

Tennessee and Kentucky, slave enlistment (with compensation for masters) provided a key for advancing emancipation. Eventually, even the slaveocracy hoped to muster in African American troops. By March 1865, dwindling manpower forced Confederate congressmen to allow slaves to enlist under the Stars and Bars, offering freedom in return for service. This was interesting as a gesture of desperation, but it was far too little, far too late.

Ending slavery in the Confederacy established little with regard to what freedom would mean for former bondmen, or who should decide how to proceed. For the moment, it remained a military question. On March 16, 1863, Stanton created the American Freedmen's Inquiry Commission to recommend what to do with former slaves. He and Lincoln met African American leaders and their allies periodically to puzzle over the question. As seen earlier, sometimes local military commanders shaped freedmen's fortunes. Most radical was General **William T. Sherman's Special Field Order No. 15**, issued January 16, 1865, and quickly overruled, which set aside large areas of coastal South Carolina, Georgia, and Florida for exclusive black settlement. Finally, in March 1865, Congress created a **Bureau of Refugees, Freedmen, and Abandoned Lands** to establish uniform policy. It would prove chronically conservative, understaffed, and halfhearted.

Lincoln, meanwhile, pondered how to deal with ex-rebels and avoid turning civil war into race war. While it is important to recognize that Lincoln became "the Great Emancipator" thanks to a host of disparate local pressures and political actors—from Congress down to the humble runaway, as Ira Berlin and many others have shown—clearly he grew into and embraced that role. As James McPherson has argued, he steadfastly refused to modify or rescind the Emancipation Proclamation for political or military advantage, making it an integral part of his plans for national reconciliation. On December 8, 1863, his Proclamation of **Amnesty and Reconstruction** offered **pardon** and return of nonslave property to Confederates who swore allegiance to the Union and accepted emancipation. By April 1865, Louisiana, Missouri, Maryland, and Tennessee had all written slavery out of their states with new constitutions.

But emancipation—the freeing of slaves—was not **abolition**, the elimination of the institution itself. For a while longer, abolitionists in Congress encountered stiff resistance, even up to Lincoln's reelection in 1864. Not until January 31, 1865, did a Constitutional Amendment outlawing slavery finally pass; ratification by the states was achieved on December 18, 1865, and the Thirteenth Amendment became part of the U.S. Constitution. *See also* Congressional Reconstruction; Constitutional Conventions; Davis Bend, Mississippi; Democratic Party; Edisto Island, South Carolina; Elections of 1864; Garrison, William Lloyd; Johnson, Andrew; Joint Select Committee on the Conduct of the War; Loyalty Oaths; Phillips, Wendell; Port Royal Experiment; Presidential Reconstruction; Readmission.

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### Enforcement Act (1875)

In an effort to safeguard and fortify Reconstruction, Congress passed a great deal of legislation in the years between 1867 and 1875. Certainly, the **Fourteenth** and **Fifteenth Amendments** represent capstones to this effort, but these laws met with considerable opposition in the South, so additional legislation sought to enforce and guarantee **civil rights** for **African Americans**. Among these laws were a series of measures called **Enforcement Acts**, three of which were passed in 1870 and 1871. For many historians, the 1875 attempt to pass a fourth enforcement act represented the closing congressional act of Reconstruction.

#### *Earlier Precedents and the 1875 Act*

The laws passed between 1870 and 1871 were criminal codes designed to protect blacks' rights to vote, serve on juries, hold political office, and receive equal protection under the law. These acts permitted federal intervention in cases where individual states were unable, or unwilling, to act. The third act, of April 1871, even allowed the president to suspend the writ of habeas corpus if necessary to facilitate criminal investigations and prosecutions. One chief reason for passing these laws was to protect black and white Republicans targeted by terrorist elements of the southern **Democratic Party**, such as the **Ku Klux Klan**.

Similar to the 1870 and 1871 legislation, the Enforcement Act of 1875 was designed to ensure blacks' rights and protect what remained of Reconstruction. With several southern states already back in the hands of white conservatives, Republicans in Congress recognized that **Redemption** would sweep away many of the positive changes. Furthermore, the national elections of 1874 marked a watershed, for the Democratic Party had regained control of Congress. Thus, the lame-duck Republican Congress recognized this might be their last opportunity to provide federal oversight on southern affairs.

Long advocated by **Radical Republican** Massachusetts senator **Charles Sumner** (1811–1874)—who had recently passed away—and proposed by **Benjamin Butler** (1818–1893) and other **Stalwarts**, the attempt to pass a new enforcement act followed the recent passage of the **Civil Rights Act of 1875** in March. Designed to protect equal rights and freedom of access to

many public facilities, such as hotels, **railroads**, restaurants, and theaters, the Civil Rights Act included all persons, regardless of race. The law also prohibited the exclusion of blacks from jury duty, and allowed those denied equal access the right to sue for damages in a court of law.

A clause in this act opened the door for the new enforcement act, by stipulating that it was a criminal offense (albeit a misdemeanor) to deny entrance at public places to any person, regardless of race. A section also provided that fines could be levied upon those who violated this law. As a result, another enforcement act seemed a natural. The enforcement bill provided additional resources and authority for supervising elections, and even allowed the president to suspend the writ of habeas corpus, not seen since that provision of the 1871 act was revoked by Congress in 1872. Some certainly believed this act was vital to Republicans surviving the upcoming **elections of 1876**.

### ***Waning Enforcement Vigor***

Unfortunately, the environment that made for pushing these two acts also undercut the enthusiasm for them. Republicans had already begun to drift from their party and their agenda, and many were exasperated and tired of the Reconstruction muddle. The Civil Rights Act itself was a mere shadow of what Sumner had wanted, and in fact, some argued it was only passed as a eulogy to him. Thus, there was even less enthusiasm for an additional act to enforce existing legislation. Sensing that the fervor over protecting southern Republicans had burnt out, longtime Republican congressman and Speaker of the House **James G. Blaine** offered that it might be better to “lose the South and save the North,” than end up losing both. Oddly, against his advice, the House did pass the measure, but it failed in the Senate. The last effort in the nineteenth century to provide federal enforcement was dead, and for blacks in particular, and Reconstruction in general, it seemed clear that congressional interest was as well.

Had it passed, the enforcement bill’s impact would have been minimal. White opposition in the South, and apathy in the North, were too strong to admit of any serious enforcement. Moreover, the very next year, the **Supreme Court** delivered two landmark decisions that stopped federal enforcement in its tracks: In *United States v. Reese* and *United States v. Cruikshank*, the Court severely curtailed the scope of the Fourteenth and Fifteenth Amendments and the federal government’s jurisdiction. Later in *United States v. Harris* and the *Civil Rights Cases*, decisions delivered in 1883, the Court largely overturned the government’s entire enforcement foundation. Just as it had expanded, the federal government’s authority retracted, and left millions unsupported in the face of hostile state governments, businesses, and private individuals. *See also* American Indians; Black Suffrage; Bourbons; Congressional Reconstruction; Disfranchisement; Grant, Ulysses S.; Gun Clubs; Jim Crow Laws; Republicans, Liberal; Scandals; Suffrage; U.S. Army and Reconstruction; Violence.

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### **Enforcement Acts (1870, 1871)**

Terrorist organizations such as the **Ku Klux Klan** and the Knights of the White Camellia appeared and spread during the late 1860s, especially in response to **Congressional Reconstruction** and its linchpin, **black suffrage**. Inadequate state responses to the **violence** and intimidation prompted the national government to pass four Enforcement Acts. Also known as Force Acts, these statutes were based on Congress's authority to enforce the new **Fourteenth** and **Fifteenth Amendments**. In all, Congress passed four such measures, and Republicans tried unsuccessfully to pass a fifth and sixth in 1875 and 1890.

The first act, passed on May 31, 1870, was entitled "An act to enforce the Right of Citizens of the United States to vote in the several States of this Union, and for other purposes." Focusing on the Fifteenth Amendment, it targeted private and public actions. It prohibited state election officials from enforcing discriminatory laws and from using force, intimidation, or bribery to prevent men from voting because of their race. It prohibited private citizens from combining and using force, intimidation, or violence to deny others their right to vote. Violators faced fine and imprisonment. The statute also reenacted the **Civil Rights Act of 1866** using both the Fourteenth and the Fifteenth Amendments as its constitutional base. In a path-breaking step, it also applied federal penalties to private individuals. Violations of the law were to be handled by the Department of Justice, newly created in 1870, and tried in federal courts.

The next two acts, of July 14, 1870, and February 28, 1871, expanded the number of federal election supervisors, especially for cities with more than 20,000 in population, an indication that Republican concerns extended to Democratic-dominated northern cities as well as to southern rural areas.

Passed on April 20, 1871, the fourth act, also known as the Ku Klux Klan Act, once again addressed discrimination within state laws as well as private conspiracies. Its title reveals its constitutional base: "An act to enforce the Provisions of the Fourteenth Amendment to the Constitution of the United States and for other Purposes." The act made it a federal crime to conspire and to disguise one's self in order to deny others the equal protection of the laws. Such restrictions on private action provoked debate in Congress over the intent and reach of all three Reconstruction amendments. The statute authorized the president to suspend the writ of habeas corpus, declare martial law, and employ federal troops in affected areas. Under its authority, in October 1871, President **Ulysses S. Grant** suspended the writ in nine counties of **South Carolina**. Use of the statute to attack Klan activity in that state, as well as **Mississippi**, **North Carolina**, and **Tennessee**, was undermined by many problems, including a lack of funds and federal troops, intimidation of officials, and uncertain commitment by federal enforcement and judicial officers.

Nevertheless, the federal troops, investigations, and trials were sufficient to temporarily restore law and order in South Carolina.

In early judicial challenges to the Enforcement Acts, courts supported their constitutionality in such rulings as *United States v. Hall* (1871). Soon, however, these early cases found themselves in conflict with **Supreme Court** rulings in *United States v. Reese* (1876), *United States v. Cruikshank* (1876), and *United States v. Harris* (1882). The Court invalidated sections of the Enforcement Acts as applying too broadly the Fourteenth and the **Thirteenth Amendments**.

In addition, as early as 1873, prosecutions under the statutes began to decrease, and by 1880, little effort was made to enforce them. Northerners, skeptical of strong federal power despite the new amendments, were increasingly uninterested in southern issues, especially ones involving black rights and dishonest and unstable governments. An 1875 effort to pass yet another Enforcement Act, one that gave the president the power to suspend the writ of habeas corpus in **Alabama, Arkansas, Louisiana, and Mississippi** and to put down conspiracies aimed at intimidating voters, succeeded in the House but received no action from the Senate. Opposition to continued federal involvement in state affairs, even from within the Republican Party, doomed the measure even as Congress finally passed a diluted version of the late senator **Charles Sumner's** controversial **civil rights** act. Then, well over a decade later, Henry Cabot Lodge of Massachusetts proposed a final "Force Bill." In response to restrictions on black suffrage through such mechanisms as literacy tests, the 1890 bill once again sought to increase federal reach into the southern states. It too failed to receive congressional support; the time had long passed to raise substantial national interest in using federal power for black rights.

The nation's overall lack of interest, however, was not matched by a decline in violence and intimidation against blacks and white Republicans in the Democratic South. In a strategy known as the Mississippi Plan that began in the later years of Reconstruction, irregular **militia** units openly and publicly drilled and marched in black-populated areas, broke up Republican meetings, and prevented freedmen from registering to vote. Some groups went so far as to assault and murder Republicans. Despite the existence of such enforcement measures, the failure of will doomed the southern Republican governments. *See also* Civil Rights Act of 1866; Civil Rights Act of 1875; Democratic Party; Gun Clubs; Redemption; Republicans, Radical; Shotgun Plan; U.S. Constitution; White League.

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**Executive Cabinets.** *See* Cabinets, Executive.



# F

## **Fessenden, William Pitt (1806–1869)**

Congressman, senator, and leader of the **Moderate Republicans** in the Senate, William Pitt Fessenden remained a Whig to the end of his days. Fessenden was born in Boscawen, New Hampshire, but came to practice the law in Portland, Maine. He became one of the most reliable of the Whigs—in contrast to the passionate antislavery and anti-liquor enthusiasms of his relatives, themselves prominent Maine politicians—a state legislator, and in 1841 a one-term congressman. In so ruggedly Democratic a state, he could not have expected to rise higher, and, indeed, was defeated in later efforts to win the congressional seat. Then, in the early 1850s, the quarrels over liquor prohibition and the expansion of slavery into Kansas ripped the **Democratic Party** apart. In the political confusion, Whigs and anti-Nebraska Democrats had the votes to put Fessenden into the Senate in 1854. They were not disappointed; switching to the Republican Party almost at once, he held the seat until his death in 1869.

A cool, reserved man with poor digestion and a brittle temper, Fessenden won universal respect for his integrity and readiness to do hard work. His speeches had a lawyerly bent rather than an evangelical flair, but from his first address, a denunciation of the Kansas-Nebraska bill, he became a senator that colleagues listened to and admired. Supporters even mounted a small presidential boom before the 1860 convention. A strong antislavery voice, he could not hope to rival **Charles Sumner** of Massachusetts in that respect. And, partly from jealousy, partly from a stark difference in temperament, he came to hate Sumner to the point of fantasizing about cutting his throat. However, his skill on the Finance Committee made him a leader in writing banking and tax legislation in wartime. When he was appointed to succeed **Salmon P. Chase** as President **Abraham Lincoln**'s secretary of the treasury in 1864,

there was universal relief in the financial community. Fessenden held on only into early 1865, when he could resign and win reelection to the Senate. There, he took front rank among the architects of **Congressional Reconstruction**. More conservative than most of his colleagues, he chaired the **Joint Committee on Reconstruction** that formulated the essential Republican response to **Andrew Johnson's** southern policy. That made his disaffection all the worse in 1868 in the presidential **impeachment** trial. Worried at the diminution of executive authority that conviction would bring, alarmed that Johnson's deposition would bring a wild-eyed radical like **Benjamin Wade** of Ohio into the presidency, and concerned that the **Radical Republicans** would unsettle the conservative financial policy of Johnson's Treasury Department, he cast one of the decisive votes for acquittal. Legend has it that the act finished his career. On the contrary, Fessenden found financiers and Moderate Republicans rallying to the defense, if not of his vote, then of his right to follow where his conscience led. By his death in the fall of 1869, the chances of unseating him at the next election had gone glimmering. *See also* Presidential Reconstruction; Recusants.

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### Field Order No. 15

Since Reconstruction, debates over the meaning of General **William T. Sherman's** Field Order No. 15 have fueled demands for reparations by blacks and their white friends. Repeatedly, reparationists have cited Sherman's order as the origin of the U.S. government's promise of "forty acres and a mule." Proponents of reparations have argued that the government reneged on its wartime pledge to compensate the ex-slaves with land and farm animals. Reparationists continue to cite "forty acres and a mule" as justification for their appeals for a broad range of compensation—from cash payments to tax credits—for the descendants of America's 4 million black slaves.

On January 16, 1865, three months before Appomattox, Sherman issued his famous Special Field Order No. 15. This order set aside "the islands from Charleston south, the abandoned rice-fields along the rivers for thirty miles back from the sea, and the country bordering the St. John's River, **Florida**," for the exclusive settlement of slave refugees. Sherman instructed General **Rufus Saxton** to grant each head of a black family not more than forty acres of land and to "furnish . . . subject to the approval of the President of the United States, a possessory title."

By June 1865, Saxton reported that approximately 40,000 blacks had settled on about 400,000 acres of land on what became known as the Sherman Reservation. Sherman authorized Saxton to loan the black families farm animals—decrepit creatures too broken down for military service. These presumably were the "mules" intended to work the proverbial "forty acres." As the freedmen and women moved to occupy the land, in the summer and

fall of 1865, President **Andrew Johnson** reversed the government's policy. Johnson pardoned former Confederates and ordered the restoration of all property except that sold under a court decree.

Subsequent events—creation of the **Bureau of Refugees, Freedmen, and Abandoned Lands** (the Freedmen's Bureau) in March 1865 and the passage of the **Southern Homestead Act** in June 1866—further complicated the role of the federal government in distributing land and farm animals to the freedpeople. In fact, the Freedmen's Bureau was authorized to lease, not to grant outright, “not more than forty acres” of abandoned or confiscated lands to freedmen with the option to “purchase the land and receive such titles thereto as to the United States can convey.” The Homestead Act set aside public land in **Alabama, Arkansas, Florida, Louisiana, and Mississippi**, for purchase by the freedpeople for a five-dollar fee. The available land, however, was generally of inferior quality and the freedmen lacked sufficient capital to purchase implements and to farm the land properly. When, in 1876, Congress repealed the Homestead Act, blacks cultivated only several thousands acres, mostly in Florida.

Denying any role in misleading the freedmen and women in the Field Order No. 15, Sherman later recalled that “the military authorities at that day . . . had a perfect right to grant the possession of any vacant land to which they could extend military protection, but we did not undertake to give a fee-simple title; and all that was designed by these special field orders was to make temporary provisions for the freedmen and their families during the rest of the war, or until Congress should take action in the premises.” Sherman added that Secretary of War **Edwin M. Stanton** approved his field order before it was announced.

Though some **Radical Republicans**, including **Thaddeus Stevens** and **George W. Julian**, supported **confiscation** of southern plantations with hopes of reforming the South's social and economic system, most nineteenth-century Americans held private property too sacred to endorse wide-scale land redistribution. Nonetheless, the slogan “forty acres and a mule” remains a rallying cry for reparatationists, a symbol of the heartfelt hopes and dreams of many **African Americans**. See also Amnesty Proclamations; Contraband, Slaves as; Pardons.

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## **Fifteenth Amendment (1870)**

The Fifteenth Amendment was proposed in 1869 and ratified in 1870. It consists of two sections: The first section prohibits federal and state governments from denying or abridging U.S. citizens the right to vote “on account



of race, color, or previous condition of servitude.” The second section empowers Congress to enforce the amendment. Simply put, the amendment removed race as voting barrier for American citizens and enabled **African Americans**, including both ex-slaves in the South and **disfranchised** free blacks in the North, to participate in the American political process. Together with the **Thirteenth Amendment** (which **abolished slavery**) and **Fourteenth Amendment** (which established birthright citizenship and national protection of **civil rights**), the Fifteenth Amendment is now seen by historians as part of America’s constitutional reinventions of the Reconstruction era that profoundly transformed the meaning and practice of American democracy.

By nationalizing black men’s right to vote after the Civil War, the Fifteenth Amendment appeared to be the most revolutionary out of the three Reconstruction Constitutional Amendments. The amendment, however, was the first federal law that directly enfranchised former slaves. It simply nationalized the practice of black enfranchisement that had already been in place in the South since 1867. The amendment enfranchised northern blacks who were still denied voting rights and, perhaps more important, made **black suffrage** a constitutional right recognized and enforced by the national government.

In spite of African Americans’ demands and agitation for equal **suffrage** during and after the Civil War, black suffrage was not included on the agenda of the phase of **Presidential Reconstruction** (1863–1866). Both Presidents **Abraham Lincoln** and **Andrew Johnson**, in their Reconstruction plans, limited the participation in reconstructing the postwar state governments to the whites. It was not until March 1867, when Congress passed the Reconstruction Act (enacted on March 2, 1867, over President Johnson’s veto), that the freedmen in the South received the right to vote. The Reconstruction Act was a response to the political arrogance of the southern states, which under Johnson’s encouragement, refused to ratify the Fourteenth Amendment. The first section of the Fourteenth Amendment conferred citizenship upon all freed slaves, and the second section threatened to reduce a state’s representation in the House in proportion if it barred its qualified citizens from voting. By the Reconstruction Act of 1867, Congress required delegates of southern state **constitutional conventions** to be elected by universal manhood suffrage regardless of race or color and made it clear that equal suffrage be included as a permanent fixture of new state constitutions. As a result, freedmen in all ten ex-Confederate states received the right to vote (**Tennessee** was not affected). In 1867–1868, about 750,000 black men cast their votes for the first time. Black delegates were a majority in **Louisiana** and **South Carolina** state constitutional conventions. With their new state constitutions guaranteeing black men equal rights to vote and their ratifications of the Fourteenth Amendment, most southern states were readmitted into the Union by 1869.

Black enfranchisement in the South challenged black disfranchisement in the North and West, where twenty-one states still excluded free black citizens from voting. To rid the party of its ideological awkwardness and moral hypocrisy and to secure black suffrage on a more permanent constitutional basis, Republicans, who were a majority in both houses of Congress, proposed to nationalize black suffrage, but the party again was divided on how to

construct the amendment. Several proposals were advanced, varying from an affirmative pronouncement of voting rights being conferred to all adult male American citizens to simply prohibiting denying citizens voting rights on a racial basis. Eventually, the prohibition version—the most conservative version—was chosen and agreed upon. The rationale for this version had to do with preserving the original separation of powers between federal and state governments. States had retained the power to prescribe qualifications for voters. And that power, in the understanding of many Moderate Republicans should not be completely removed.

Thus, the final wording of the Fifteenth Amendment did not directly confer voting rights to any U.S. citizens; it did prevent federal or state governments from denying voting rights to citizens on a racial basis. In other words, the amendment conferred upon U.S. citizens the right not to be denied the right to vote because of race. States could still use other mechanisms or qualifications to deprive citizens the right to vote. During the period of black disfranchisement in the 1880s and 1890s, southern states had indeed used such devices as **poll tax**, literacy test, and white primary to virtually disfranchise African Americans. The ratification of the Fifteenth Amendment went relatively quickly, compared with the ratification processes of the other two Reconstruction amendments. Western states like Nevada ratified the amendment only after they were assured that they could continue to use nativity to exclude undesirable groups like the Chinese from voting.



One of several large commemorative prints marking the enactment of the Fifteenth Amendment and showing the parade celebrating it in Baltimore. (Courtesy of the Library of Congress.)

**Radical Republicans** had attempted to write in the amendment the right for blacks to hold offices, but the issue was set aside. Women's suffrage also became a subject of debate. Although a few Radical Republicans were willing to eliminate gender as a voting barrier, the majority of the party refused to even consider the women's right to vote. (Unorganized federal territories like Wyoming allowed women to vote in the late 1860s, but nationalization of women's suffrage still had to wait until the ratification of the Nineteenth Amendment in 1920.)

The meaning and applications of the Fifteenth Amendment were subjects of constitutional debates in the late nineteenth and early twentieth centuries. In the early 1870s, the federal government had vigorously enforced the amendment and made, for instance, nearly 1,000 arrests under the laws enforcing the amendment in 1876. Women suffragettes like Susan B. Anthony and others had ventured to test the applicability of the amendment in cases of women's suffrage. The **Supreme Court** ruled that the amendment was not made for everyone to have the right to vote, but to make sure that no one would be denied voting rights simply because of his color or race. The Supreme Court's early interpretations, as expressed in *United States v. Cruikshank* (1876) and *United States v. Reese* (1876), were rather restrictive, rendering that the amendment did not give federal government a free hand to punish any act obstructing a citizen's right to vote without evidence to prove its racial motives. In the early 1880s, the Court in *Ex parte Siebold* (1880), *Ex parte Clarke* (1880), and *Ex parte Yarbrough* (1884) recognized that the amendment did confer on African Americans the right to vote. However, in *Williams v. Mississippi* (1898), the Court ruled that the grandfather clause—a device to require all blacks to take a literacy test before registering to vote—was not a violation of the Fifteenth Amendment. Not until 1915 did the Supreme Court, in its ruling on *Gunn*, outlaw such disfranchisement scheme, deeming it a violation of the Fifteenth Amendment.

After federal enforcement declined and the South redeemed in 1877, black disfranchisement emerged in the South and became the norm in the 1890s and throughout the 1950s. The Fifteenth Amendment was sparsely enforced during the period and yet remained a constitutional principle. It became the starting point for such African American political and intellectual leaders as W.E.B. Du Bois to initiate projects like the Niagara Movement, which asked for reinforcement of the amendment in 1905. It served as the constitutional source for African American reenfranchisement in the second half of the twentieth century.

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*Xi Wang*

### **Fish, Hamilton (1808–1893)**

Secretary of state in the **Ulysses S. Grant** administration, Fish was an American aristocrat who remained untainted by the decline in the public and political morals of the Reconstruction era and Gilded Age times. Born in New York City, Fish's father was Nicholas Fish, a leading military figure in the Revolutionary War and later a leading Federalist. His mother was Elizabeth Stuyvesant, a member of one of New York's first families. He did not rebel against this heritage. After graduating from Columbia University in 1827, he studied law with Peter Jay. Admitted to the bar in 1830, his practice dealt mainly with real estate. Inheritance from his mother's family made him a wealthy man. He married Julia Kean; they had eight children.

Politics became his vocation. As a Whig, he endorsed the active role of the state in economic development, but he rejected any "democratic" attempts at reducing the rights of property, and, of course, radical social change was totally rejected. In 1834, he lost in a race for the New York legislature. Eight years later, he was in the U.S. House of Representatives, but only for one term. He was successful on his second try for the office of lieutenant governor, which led to his election as governor in 1848. Three years later, he was the U.S. senator from New York.

Fish's record as senator was poor. He only watched from his Senate seat, the rapidity of events that led to the Civil War. Only slowly did he join the Republican Party, and remained uneasy with the party's antislavery position. The Republicans looked elsewhere for a candidate for his seat, and he retired from electoral politics and went to Europe for the next two years. He did, however, support **Abraham Lincoln** in 1860.

As secession became a reality, Fish supported compromise. When the fighting began, he led the New York Union Defense Committee. He supervised the treatment and exchange of prisoners of war. As the war ended, he welcomed **Andrew Johnson** as president of the United States and his modest plan for Reconstruction. He also became a close friend of Ulysses S. Grant and provided money to the general's family, but by 1867, he came to oppose President Johnson's policies, and rejected the **Democratic Party** as a meaningful alternative.

Instead, Fish looked to General Grant as his alternative. With money and influence, Fish worked hard for the general's candidacy for the **election of 1868**. In the Grant administration, Fish became secretary of state. He provided a constancy to a presidency racked by **scandal** and corruption, but Fish the aristocrat did his duty and did not abandon President Grant.

His record as secretary of state was one of success in dealing with the *Alabama* claims with Great Britain. He demonstrated great tact and skill in solving a complex diplomatic and political problem. The result was the Treaty of Washington, which solved several issues and concerns between the United

States and Great Britain. Fish also pushed for American commercial expansion around the globe, as seen in his commercial agreement with Hawaii and his support for a canal across Central America. Senator **Charles Sumner** from Massachusetts, chairman of the Foreign Relations Committee, opposed Fish's expansionism. Their stiffest confrontations occurred when Fish wanted the United States to annex several Caribbean islands, either as protectorates or under complete American ownership.

In domestic affairs, Fish was not so bold. He urged a moderate policy toward the rebel states, and his fiscal policy avoided inflationary programs. As an array of gentlemen and knaves passed through the Grant administration, Fish remained at his post, yet despite his aloofness and social distinction, he apparently never publicly denounced the spoilsmen.

When Grant left the White House in 1877, Fish retired from politics but remained active in city affairs appropriate for a gentleman. Such activities and organizations as the New York Historical Society, the Society of Cincinnati, the St. Nicholas Society, and the **Union League** filled his days. He remained a defender of Grant's reputation as both a president and military leader. He died and is buried at his estate on the Hudson River, where his grave overlooks New York.

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*Donald K. Pickens*

## Florida

Florida's Reconstruction officially began on May 20, 1865, when its Confederate officials surrendered to the Union army at the state capital of Tallahassee. The state and its 140,000 residents managed to emerge from the Civil War without witnessing the destruction of property and the great loss of life that her sisters in the Confederacy endured. At the end of hostilities, approximately 15,000 Floridians lost their lives on the battlefield and Tallahassee was the only southern capital to escape invasion during the war. Unfortunately, the state would not be as fortunate during Reconstruction, and struggled with the same socioeconomic and political problems as the rest of the South.

Florida's first effort at Reconstruction began with **Andrew Johnson's** May 29, 1865, proclamation. In accordance with the proclamation, **William Marvin**, Johnson's appointed **provisional governor** for Florida, called for statewide elections for the purpose for selecting delegates for a **constitutional convention**. This election, which was limited to white males twenty-one years and older, occurred on October 10, 1865. Florida's voters selected fifty-four delegates who then converged on Tallahassee fifteen days later prepared to draft the state's first postwar constitution. The new document drafted by these men abided by the requirements of Johnson's proclamation by nullifying its ordinances of secession, repudiating the Confederate debt,

and **abolishing slavery**, but in all other aspects, it mirrored the states previous constitution. It did not allow for **black suffrage**, and continued to count **African Americans** as three-fifths of a white person for the purpose of representation in the state assembly. Nevertheless, by December 1865, Florida had met all of the federal requirements to reassume its position as a state in the Union, having held elections for seats in its state assembly, selected representatives to Congress, and elected one of the state's former **Supreme Court** justices and Whig, David S. Walker, as governor. However, Walker's election coincided with Congress's initial efforts to dismantle **Presidential Reconstruction**. Consequently, frenzied political organization by Republicans and Democrats, episodes of racial **violence**, and efforts to restrict the newfound freedom of the state's African American population marked the state's first efforts at Reconstruction.

Ironically, many of the problems that Walker and the state faced during his brief two-year term as Florida's chief executive resulted from his efforts to pass laws he believed would ensure tranquility in the state. These laws, later known in Florida and in other southern states as **Black Codes**, not only relegated blacks to a second-class position in society, but also alienated citizens who had remained loyal to the Union during the war. By the spring of 1866, laws were in place providing severe penalties for crimes usually associated with the black community. These included **vagrancy**, possession of firearms, stealing, and breaking of labor **contracts**. Similar statutes provided for the involuntary apprenticeship of African American children and limitations on the ex-slaves' ability to seek redress for grievances in the state court system. This new manifestation of slavery, as well as the appearance that the Florida's former Confederate leaders were consolidating their power in the state, caused many Floridians to become more sympathetic to **Radical Republican** calls for a more stringent Reconstruction of the South.

Despite the many obstacles preventing Florida's freedmen from enjoying the full measure of American citizenship, they continued to live as though the government's granting of their political rights was imminent. With the assistance of Thomas W. Osborn and William J. Purman, two agents of the **Bureau of Refugees, Freedmen, and Abandoned Lands**, the state's African American population began to take an active interest in politics. They also joined groups such as the **Union League** and Lincoln Brotherhood that began appearing in the state after the war. In addition to introducing the freedmen to the electoral process, these organizations served as political training grounds for many of Florida's future African American leaders.

The opportunity of these leaders to participate in the political process came quickly. After Congress passed the **Military Reconstruction Act** in March 1867, Florida held an election to select delegates for the purpose of drafting a new constitution. This historic election, held in November 1867, was the first statewide election open to the state's African American population. However, the extending of the **suffrage** to many men who had been former slaves initiated much of the political turmoil and charges of corruption that plagued Florida during the Reconstruction. Many Democrats, refusing to acknowledge the legitimacy of any convention that had the participation of former slaves, stayed away from the polls on election day. In addition, the unity enjoyed by

Florida Republicans from the end of the war to the onset of **Congressional Reconstruction** disintegrated into two factions, the radicals or “Mule Team” and a group of moderates and conservatives known in some circles as Union Republicans.

The “Mule Team” earned its name because of the two mules that pulled their wagon as they campaigned throughout the state. Their uncompromising message of political and social equality appealed greatly to the state’s African American population, but at the same time, frightened many native Floridians and Republicans alike. In response to this fear, Union Republicans, led by future governor **Harrison Reed**, hoped to create a coalition of Republicans and Democrats by placing emphasis on the economic reconstruction of the state rather than its social issues; an approach that enjoyed the support of many of Florida’s wealthier citizens as well as the approval of President Johnson. Nevertheless, the Union Republicans were unable to arrest the momentum of the Mule Team. Their candidates prevailed during the election and the faction acquired enough seats to hold a slim majority in the convention.

When the **constitutional convention** convened in Tallahassee on January 20, 1868, African Americans were a well-represented minority, making up eighteen out of the forty-three delegates sent to Tallahassee. The radicals in the hall moved quickly to control the assembly and on the convention’s opening day, elected its leader, Daniel Richards, to preside over the proceedings. However, the radicals’ control was short-lived. Before they could submit their constitution to Congress for approval, more than half of the convention’s delegates under the direction of Harrison Reed, met in a rump convention in an adjacent town where they drafted a more conservative document. Likewise, this new assembly drafted new rules that resulted in the dismissal of Richards and other radical delegates for not being Florida residents. Ultimately, Congress accepted the constitution drafted by the rump convention, despite the fierce debate by the radicals over the legitimacy of the process that created it.

Although Florida’s new constitution was one of the most progressive in the history of the state, it differed from the Radicals’ document in very significant ways and had a negative effect on Florida’s African American population. Whereas the Radicals’ constitution required all officeholders to take a **loyalty oath** and prohibited ex-Confederates from holding state office, the ratified constitution placed no such restrictions on former supporters of the Confederacy. In addition, the radicals favored making most state and local officials elected. However, the new document gave the governor the power to appoint individuals to fill these offices. Last, the new constitution limited the number of representatives each county could have in the state assembly to four, regardless of its population. The last provision had the most dramatic effect on the state’s African Americans because it diminished their voting strength in counties where they were the most populous. This allowed, in effect, a third of the state’s actual population to control the entire state legislature.

With the ratification of the new constitution, the tenuous bond between **Moderate Republicans** and Democrats quickly disintegrated. Harrison Reed, who had been instrumental in the drafting and ratification of the document,

served as Florida's first governor under Congressional Reconstruction. However, political infighting, **violence**, and rumors of **scandal** marked his tenure as governor. By the time Reed's term in office expired in 1872, the state legislature had initiated impeachment proceedings against him on four different occasions. Fortunately for the besieged governor, all but one of the attempts fell apart before reaching the state senate. In the final attempt, occurring in 1872, the senate acquitted Reed by a vote of 10 to 7.

Despite losing much of their political power because of the constitution, Florida's African Americans made some gains during the Reed administration. Two of the most notable include Josiah T. Walls, an ex-slave and Union soldier who became Florida's first African American congressman in 1870, and Dartmouth graduate Jonathan C. Gibbs, who became secretary of state during the legislature's first attempt to impeach Reed in 1868. Similarly, African Americans made up a very active part of the state house, with men such as African Methodist Episcopal ministers Charles H. Pearce and Robert Meacham. However, most of their political gains occurred in the cities and towns, where they served in positions that lay outside of the governor's considerable power of **patronage**. Throughout the state, African Americans served as city aldermen, in law enforcement, and on city councils.

Not all Floridians welcomed these political gains, and some responded violently toward African Americans and Republicans throughout the state. Jonathan C. Gibbs, himself the target of several assassination plots, attributed more than 1,800 deaths to violence from groups such as the **Ku Klux Klan** during his first three years as secretary of state. The violence finally subsided after Congress passed the first of the **Enforcement Acts** in 1870; however, by this time, many African Americans had become reluctant to seek political office, vote, and some like Emanuel Fortune, father of the prominent African American newspaper editor T. Thomas Fortune, chose to flee the state altogether.

Outbreaks of violence, in concert with Republican factionalism and persistent charges of corruption, did much to return the control of the state back to the **Democratic Party**. The Republican Party retained control of the executive branch in 1872 with the election of Ossian B. Hart, a Florida Unionist and former slave owner, as governor. However, the Democrats made gains during the election that would continue to increase until they recaptured the state four years later. As early as 1870, the Democrats had a strong presence in both of the state houses and by 1873, were outnumbered by only two senators in the state senate and six representatives in the lower house. By 1875, the party's strength was sufficient to maintain segregation in public schools, despite the best efforts of the radicals in the legislature.

The party's momentum from the two previous elections carried on to the presidential **election of 1876**. In a highly contested election that had national as well as state ramifications, the Democrats successfully elected George F. Drew, a northerner, as governor. The voting irregularities that caused Florida to be one of the centers of controversy also affected Drew's election and made it appear that the Republican candidate, Marcellus Stearns, had won the election. Florida Democrats, in a decision that had national implications, chose to challenge the returns of the gubernatorial, but not the presidential, election.



Consequently, when the state ruled Drew the victor of the 1876 election, its decision not to recount presidential returns all but surrendered the state's coveted four electoral votes to **Rutherford B. Hayes**.

The inauguration of George F. Drew marked Florida's "**redemption**," the end of Republican control of the state and of the Reconstruction process. Although Florida suffered from many of the problems that plagued other southern states during the period, including economic hardship, election fraud, and violence, many positive changes occurred under Republican rule. The 1868 constitution, in addition to ushering the state back into the Union, extended democracy to both whites and African Americans and gave the state the responsibility for educating its citizens. Similarly, the Reconstruction in the state marked the beginning of its transition from being a territorial to a modern southern state. *See also* Black Politicians; Compromise of 1877; Shotgun Plan; White Leagues.

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*Learotha Williams, Jr.*

### **Forrest, Nathan Bedford (1821-1877)**

Born in **Tennessee**, Forrest moved with his family to **Mississippi** in 1834, and there became responsible for the entire family after his father's death. Retaining his estates there, he later relocated back to Memphis, where he became quite wealthy as a planter and slave trader.

Forrest enlisted in the Confederate army in June 1861, and soon climbed the ranks, partly due to a natural military ability (he had no formal military training or **education**) and partly due to wealth—he could equip and supply entire cavalry units, and so became an officer automatically. At the head of mounted troops, Forrest saw extensive service in the western theater, and his simple-if-mythical slogan, "Get there first with the most" accurately summed his audacity and primitive cunning. Unfortunately, these are often overshadowed by the controversy surrounding the attack on Fort Pillow, which was followed by the massacre of black soldiers who had been taken as prisoners of war. To this day, his role in the alleged atrocity remains unclear.

In the closing days of the Civil War, now a lieutenant general, Forrest confronted the most difficult decision of his military career. He faced a number of options that ranged from continuing resistance to Union forces, accepting exile or, of course, surrendering. Forrest confounded the worst fears of his military opponents by opting to surrender his command. With his role in the conflict ended, he returned to his plantation property in Mississippi and vowed to be as loyal to the U.S. government in defeat as he had been determined once to triumph over it on the battlefield.

Immediately, the ex-Confederate cavalry commander undertook the difficult task of resurrecting his livelihood, including restoring a fortune that had stood at a million and a half dollars before the war. Demonstrating an acceptance of

the verdict of the war, he employed several former Union officers as partners in his plantation enterprises and offered favorable **contracts** to former slaves as inducements for them to work for him. The federal soldiers helped him to obtain the laborers he required. His goal was to revive his plantation in Coahoma County, Mississippi, and he did this in part by repairing a steam-powered saw mill that also offered lumber to a public anxious to rebuild. Forrest focused his activities in this period on peaceful pursuits and thereby became the model of reconciliation.

A shrewd businessman, Forrest created a system for his workers that not only promised them relatively high wages, but bound them to himself through the contracts they signed with him. A report from an official of the **Bureau of Refugees, Freedmen, and Abandoned Lands** found that nearly all of his hands were indebted to him to one extent or another and the workers themselves hailed from distant as well as local sources. Thus, the former slave trader and cavalryman exhibited the same resourcefulness he had demonstrated in his prewar business activities and his wartime career.

Nevertheless, Forrest continued to struggle with financial instability and personal uncertainty. His wartime association with the “massacre” at Fort Pillow in April 1864 that had left 231 **African Americans** dead remained fresh in the minds of many. Threats of arrest for treason also hung over him. Worried friends and associates urged him to travel to Europe for refuge, but Forrest demurred vigorously, arguing that he was adhering to his parole by working peaceably at his plantation and adamant that he would continue to do so. In the meantime, he posted a \$10,000 bond for a treason trial that never took place and sought a presidential **pardon** that he eventually received in 1868 from President **Andrew Johnson**.

Forrest enjoyed some success in his agricultural endeavors, but the persistence of economic difficulties compelled him to seek relief through other avenues. Employing the fame he had established for himself as a soldier, Forrest allowed his name to be used by Tate, Gill, Able & Company, a “Commission, Grocery & Cotton Factorage Business.” This was the first of numerous ventures with which he associated himself, including a brief effort to pave the streets of Memphis and a stint as president of the Planters’ Insurance Company. He also supervised the construction of the Memphis and Little Rock **Railroad**, the first of two major commitments he made to this type of endeavor in the postwar period.

Although he had vowed to remain peaceful, Forrest kept a wary eye on developing political affairs in his state and region. Seeing what he believed to be an increasing abuse of power on the part of **Radical Republicans**, particularly in Tennessee on the part of Governor **William G. “Parson” Brownlow**, he determined to act to combat it. As part of his effort to restore home rule to the **Democratic Party** and challenge these excesses, Forrest became involved in an organization known as the Pale Faces and then with the budding **Ku Klux Klan**.

Publicly, Forrest denied being a member of the secret society much less its leader, but he expressed intimate knowledge of its operations. One of the Klan’s original cofounders confirmed that when the organization grew sufficiently large, it required a strong leader and the members turned to the cavalry



A searing, election-year indictment of four prominent figures in the Democratic Party. Nathan Bedford Forrest, the founder of the Ku Klux Klan, and infamous for his role in the massacre of surrendered Union troops at Fort Pillow, is called "The Butcher Forrest." (Courtesy of the Library of Congress.)

chieftain as grand wizard. This likely happened officially at a meeting in Nashville in April 1867.

Under Forrest's leadership, the Klan grew and expanded dramatically. Whenever his business associations took him into neighboring states, it was more than coincidental that the first public notices for the organization would appear in local newspapers. The Klan's expansion and the nature of its activities, however, worked against a central authority. The rigidly demanding ex-soldier found that he could not exert his full control over the wide-ranging secret society. In addition, the departure of his Tennessee nemesis, "Parson" Brownlow, to the U.S. Senate, and the advancement to the governorship of a more malleable DeWitt Clinton Senter, bode well for Democrats and ex-Confederates in the state. For such reasons as these, Forrest ordered the Klan to disband and the membership to destroy their regalia in early 1869.

Despite these instructions, Klan activity continued and the organization came under greater scrutiny. Forrest's one-time prominence in it prompted the U.S. Congress to summon him to appear before an investigative committee in 1871. His testimony alternately demonstrated in-depth knowledge and deliberate obfuscation as the ex-Confederate responded in detail or dodged questions he did not wish to answer.

Part of the reason for his loss of interest in the Klan may well have been his growing involvement in railroading. Forrest spent the greater part of his resources attempting to generate fi-

nanancing for the Selma, Marion and Memphis Railroad. Struggling through investment challenges and economic crises, Forrest poured himself fully into the effort as the line's president. The strenuous work met with some small successes, but even larger failures. Finally and reluctantly, he relinquished the railroad presidency on April 1, 1877, and refocused his energies on farming, leasing President's Island near Memphis.

Even in his declining years, Forrest found that old habits were hard to break. He continued to demonstrate the temper for which he was famous and a propensity for gambling that his wife, Mary Ann Montgomery Forrest, deplored, but could not make him forsake. He attended reunions and continued to run his landholdings, now with the aid of a convict-lease program from Shelby County that provided him with laborers. He also embraced religion, again under the powerful influence of his long-suffering wife. In 1875, he experienced a religious conversion. However, Forrest began to wear out, suffering breakdowns in his health (he may have been suffering from diabetes)

as well as his finances. By 1877, he was facing the end, an emaciated shadow of his former robust stature. He discharged his debts and moved to his brother Jesse's house in Memphis, where he died on October 29, 1877.

In many ways, Nathan Bedford Forrest symbolized the Reconstruction era that framed his postwar years. He worked to restore his citizenship, plantation property, and personal fortune rather than continue a conflict that he recognized had been lost on the battlefield. Yet, he refused to remain idle to the threats he felt existed to former Confederates and Democrats in Tennessee and the South. He joined the Klan to battle those excesses, but disbanded the organization when it demonstrated excesses of its own that he could not control. Popularly, if erroneously, considered the founder of the Klan, Forrest worked for the reestablishment of home rule in his state and region. As he faced his own final battle, he must have derived some sense of satisfaction that he had helped to win that larger engagement. *See also* Abolition of Slavery; Agriculture; Amnesty Proclamations; Bourbons; Congressional Reconstruction; Emancipation; Enforcement Acts (1870, 1871); Redemption; Sharecropping; Violence; White Leagues.

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Brian S. Wills

### Fortieth Congress, Extra Session of (1867)

The extra session of the 40th Congress was a special session convened as the 39th Congress was going out of session. The **Radical Republicans** and **Andrew Johnson** were at a crossroads over how to handle folding the former rebel states of the South back into the Union. After the **assassination of Abraham Lincoln**, Radicals believed Johnson would follow a hard Reconstruction program, but he followed in the footsteps of **Lincoln**, passing a proclamation that called for only an **amnesty oath** that dealt with future loyalty to the Union. The Radicals and others in the North felt that this was too lenient and favored the white former Confederates at the expense of the freedpeople. However, Congress was not in session, so without being called by the executive (which Johnson had no intention of doing), the president had a free hand to determine Reconstruction policy. Northern politicians saw Johnson's southern state legislatures pass **Black Codes**, witnessed the electing of former Confederates to positions of power and importance, and were aghast that President Johnson did nothing.

Congressional elections in the fall of 1867 guaranteed that anti-Johnson forces would control the next Congress—the 40th Congress—set to convene in December 1867. By spring 1867, however, so many problems had erupted when Johnson dictated policy that Republicans in Congress moved to have the 40th Congress meet immediately, denying Johnson any opportunity to act without Congress in session. As a result, the 40th Congress convened the same day the 39th ended, March 4, 1867.

To restrict Johnson's power and move forward their Reconstruction agenda, the Republicans passed three resolutions. The first bill, the **Military Reconstruction Act**, **disfranchised** men qualified for office by the **Fourteenth Amendment** and stated that southern state governments were provisional and subject to the power of the federal government. The **Command of the Army Act** was a rider attached to the Army Appropriation Act, which made sure that General **Ulysses S. Grant** remained commanding general of the army, could not be removed from Washington, and that he issued all orders concerning military operations. The act also forbade the organization of **militias** in the southern states until authorized by Congress. The **Tenure of Office Act** required the consent of the Senate for the removal of any office whose appointment required Senate approval. This 40th Congress swiftly and successfully secured control of Reconstruction, and would eventually be the body to first impeach an American president. *See also* Amnesty Proclamations; Black Suffrage; Civil Rights; Congressional Reconstruction; Constitutional Conventions; Elections of 1866; House Judiciary Committee; Impeachment of Andrew Johnson; Presidential Reconstruction; Republicans, Moderate; Republicans, Radical; U.S. Army and Reconstruction.

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*Catherine Anyaso*

### Fourteenth Amendment (1868)

With the **abolition of slavery** by the **Thirteenth Amendment** in 1865, questions immediately appeared regarding the status of the freedpeople in the South. Legal and extralegal restrictions in the southern states severely limited freedmen's economic rights and gave the former slaves few if any social or political rights. The former Confederate states were also indifferent to **violence** against blacks. In addition, with the abolition of slavery ending the Three-Fifths Compromise, southern strength in the House of Representatives and the Electoral College was even stronger after the Civil War than before.

#### *Purpose Guiding the Amendment*

In response to the changes wrought by war, Republicans in Congress moved to define the freedom created by the Thirteenth Amendment. Some hoped to enfranchise blacks and deny political rights to former Confederates. Within the Republican Party, Radicals hoped to define the rights, liberties, and status of all Americans, protecting them through federal power while maintaining state-based federalism. Along with many other northerners, they expected to secure the war's results (preservation of the Union and abolition of slavery) from southern modification or rejection.

President **Andrew Johnson's** veto on March 27, 1866, of the **Civil Rights Act of 1866** prompted congressional Republicans to support a constitutional

amendment that would make the act's definition of black civil equality (largely economic) safe from presidential reach and from reversal by a later Congress. It would also define the Republicans' plan for Reconstruction, just as the approaching 1866 congressional elections gave them the opportunity to challenge Johnson and the plan he initiated in May 1865.

Even before Johnson's veto, the **Joint Committee on Reconstruction** had discussed a proposal from committee member **John Bingham**. In January 1866, it had reported two amendments. One gave Congress power "to make all laws necessary and proper to secure to all citizens the same political rights and privileges" and to provide "to all persons . . . equal protection in the enjoyment of life, liberty, and property." The other required the reduction of a state's representation if the state limited voting rights "on account of race, creed or color." The first proposal, with "privileges and immunities" substituted for "political rights and privileges," died in the House; the Senate killed the second proposal.

The proposals' fate was the result of opposition from Democrats and from conservatives in the Republican Party to giving Congress new powers. Even some Radicals found reason for concern in the delegation of power to Congress to insure "equal protection" in states. All knew, for example, of women's lack of equality. Bingham emphasized that he sought not a transfer of power from states to Congress but only "an amendment which would arm Congress with the power to compel obedience to the [states' constitutional] oaths."

In April 1866, the Joint Committee on Reconstruction took its next step by considering a five-part proposal from Robert Dale Owen, a reformer who had served in the House in the 1840s. Including provisions on black **civil rights**, enfranchisement of blacks after 1876, penalties for restricting **black suffrage**, repudiation of Confederate debts, and congressional power to enforce the amendment, Owen's proposal also sought to define Reconstruction terms. For example, it required ratification of the amendment in order for the **readmission** of the former Confederate states to Congress. His proposal made the guarantee of rights self-executing through phrasing that acknowledged their existence within states. New York representative Giles W. Hotchkiss had suggested this approach as a substitute for a direct grant of power to Congress "to make all laws."

### *A Compromise Amendment*

As passed by Congress, the **Fourteenth Amendment** was a compromise measure that followed the general structure of Owen's plan. It added to the Constitution the **Radical Republicans'** vision of a nation centered on equal rights protected by national power. However, the Radical desire for black suffrage and for **disfranchisement** of former Confederates was tempered by the widely held belief that **suffrage** was a privilege, not a right of citizenship, and by **Moderate Republican** support for a limited and speedy Reconstruction of the South that did little harm to state-based federalism. In addition, states remained responsible for regulating personal liberty and civil rights, but the national government gained supervisory oversight.

The first section's vague and general language that never mentions race was the result of the Joint Committee's concerns about federalism and desire to protect the rights of all Americans. Numerous committee votes on various versions of the provision ended with approval of a proposal submitted by Bingham and modeled after Hotchkiss's suggestion. First, however, section 1 began by providing the **U.S. Constitution's** first definition of national citizenship: All born or naturalized in the United States were citizens. State citizenship would no longer determine national citizenship, and Chief Justice Roger Taney's denial of black citizenship in *Dred Scott v. Sanford* no longer carried constitutional weight, if it ever had. Supported by conservative and moderate members of the Joint Committee, as well as by Radicals to various degrees, section 1 next announced that a "State" could not "abridge the privileges and immunities of citizens," rights that it left undefined. The section also prohibited a "State" from depriving any "person" (as distinct from citizens and undoubtedly meant to include aliens) "life, liberty, or property without due process of law." It concluded by prohibiting denial of the "equal protection of the law" to any "person within its jurisdiction." Whether all congressional framers and backers of these provisions viewed them as prohibiting discrimination against blacks in all aspects of life (political, economic, and social), some Radicals with **abolitionist** backgrounds certainly did.

If section 1 generally satisfied Radicals, section 2 fell far short of their goals. Many Radical Republicans saw voting as a requirement for functional citizenship (and not just as a tool for use by freedmen to protect their rights), but the amendment made only a half-step in an area that was constitutionally and traditionally under state control. Republican awareness of northern whites' objections to black suffrage undoubtedly led Radical **Thaddeus Stevens**, a representative from Pennsylvania, to move to eliminate a suffrage provision during the Joint Committee's considerations. As a result, section 2 of the amendment stipulated that states that denied suffrage to any of its adult male citizens faced a proportional loss of representation in Congress. The threat would turn out to be a hollow one as, by the end of the century and well into the 1900s, adult black males were consistently denied suffrage through various state and private practices.

Section 3 was a response to the South's election in 1865 of antebellum and wartime leaders to fill state and national offices under President Johnson's Reconstruction plan. It also reflected the view that men responsible for a destructive civil war should not be allowed positions of political leadership after it. Therefore, the amendment provided that anyone who had held political or military office before the Civil War and who had sworn to support the Constitution could not hold a federal or state office ("civil or military") afterward if they had then fought for or aided the Confederacy. No restriction on suffrage rights was included, and Congress could remove the restriction through a two-thirds vote, which it soon did for most former Confederates.

Section 4 answered a question linked both to the war's impact on the nation's economy and to views of the South's secession. It stipulated that debts or other financial obligations resulting from support of the South's secessionist effort would not be honored by the national or state governments.

In addition, slave owners could not receive compensation for slaves lost through the war or through **emancipation**. All such claims were “illegal and void.”

Finally, section 5 gave Congress “the power to enforce” the preceding four provisions by “appropriate legislation.” This expansion of the national government’s power, along with a parallel provision in section 2 of the Thirteenth Amendment, was the first increase in Congress’s power in the Constitution’s seventy-seven years of existence. Committee and congressional debate suggested, however, that the extent of the increase was problematic. While Democrat George S. Shanklin asserted that section 5 would end “State rights and invest all power in the national government,” John Bingham defended it as “tak[ing] from no State any right that ever pertained to it.”

### *Passage, Ratification, and the Fate of the South*

In the view of many observers and many later historians, the final version of the Fourteenth Amendment was the best possible for the times. The Republican Party in general was satisfied with the amendment as a response to the South’s and President Johnson’s lack of concern for the status and rights of **African Americans** and as a means of securing the results of the Civil War. The views of the Radical wing, however, ranged from an “imperfect . . . proposition” (Thaddeus Stevens) to “a wanton betrayal of justice and humanity” (Representative **George Julian** of Indiana).

Congressional passage of the Fourteenth Amendment came on June 11, 1866. On June 13, Congress sent the amendment to the states. Less than two weeks later on June 25, Connecticut became the first state to vote for ratification.

Ratification, which required approval by three-quarters of the states, was tied to the debate over Reconstruction between the president and Congress. Which branch of the national government would set the final requirements for the “readmission” of the former Confederate states? And what changes would those requirements make in southern political and social structure? One answer came with **Tennessee’s** ratification of the amendment in July 1866. Congress quickly seated the state’s eight representatives and senators, but a specific pledge to readmit seceded states that ratified the amendment was tabled by Congress that same month. The remaining ten seceded states shared Andrew Johnson’s opposition to the Fourteenth Amendment and refused to ratify it, much of their opposition centering on the third section’s restriction on white office holding and on the hope that northern public opinion would demand a more moderate policy.

To the white South’s disappointment, the **elections of 1866** did not bring to power a conservative Congress or a retraction of the Fourteenth Amendment. With the amendment as their platform, Republicans came out of the elections with control of both houses of Congress. As a result, Radical and Moderate Republicans took control of Reconstruction. Their determination to revise Johnson’s Reconstruction requirements was fueled by the **race riots** in Memphis and New Orleans in the summer of 1866 and by the president’s opposition to any federal civil rights protection.



Congress's **Military Reconstruction Act** of March 2, 1867, voided the governments established under Johnson and temporarily arranged the ten former Confederate states into five military districts. The act also mandated black suffrage in those states (and only those states), a partial remedy for the amendment's indirect directive in section 2. In addition, the act required the states to ratify the Fourteenth Amendment or remain in constitutional limbo, unrepresented in Congress.

Black suffrage was not the only controversial matter. The requirement of ratification itself raised questions about the amendment's constitutionality and, if ratified, when it would go into effect. According to Article V of the Constitution, ratification is a state's decision, yet ratification was a requirement under the Reconstruction Act. Some supporters of this condition for readmission saw ratification as an important step in reconstructing southern thinking; some were concerned about any variance in the constitutional requirement of three-quarters of the states, and some thought southern votes might be necessary to secure the necessary numbers for approval of the amendment.

A year after being submitted to the states, the amendment had the approval of twenty-two states. Initially, the former Confederate states (minus Tennessee), as well as Delaware, **Maryland**, and **Kentucky**, rejected the amendment, and after votes for ratification, Ohio and New Jersey decided to rescind their approval.

On July 20, 1868, Secretary of State **William Henry Seward** announced the amendment's ratification if Congress did not accept the two rescissions. When Congress did not, Seward promulgated the amendment on July 28. By then the issue was moot, as eight former Confederate states had ratified the Fourteenth Amendment (in this order): Tennessee, **Arkansas**, **Florida**, **North Carolina**, **Louisiana**, **South Carolina**, **Alabama**, and **Georgia**. **Mississippi**, **Texas**, and **Virginia** soon added their approval. (Interestingly, Kentucky did not approve the amendment until a century later, in 1976.)

### *The Amendment's Limited Impact*

The Fourteenth Amendment's impact during Reconstruction was limited because of the growing disinterest in the status of blacks and the continuing preference for a limited national government in a state-based federal system. Nevertheless, the amendment (as well as the **Fifteenth Amendment**, added to the Constitution in 1870) provided the basis for the **Enforcement Acts** of 1870-1871, which authorized the use of federal force to end, at least temporarily and in some sections of the South, violence against blacks and their white allies. In addition, in 1875, the lame-duck Republican Congress passed a modified version of Senator **Charles Sumner's** public-accommodations bill, the **Civil Rights Act of 1875**. Based on the amendment, it prohibited discrimination in such "social" areas as eating, sleeping, traveling, and schooling.

Radicals' hopes for the law and the Fourteenth Amendment rested in Americans' often-conflicting belief in equality and in government's need to make distinctions when necessary for the public good. The U.S. **Supreme Court** interpreted the amendment with these beliefs as their guide. Decisions

in the *Slaughterhouse Cases* (1873) and *United States v. Cruikshank* (1876) left most rights under state definition and control and limited the reach of the amendment to the actions of states unless denial of rights was motivated by racial hostility. This narrowed reach was confirmed in *United States v. Harris* and the *Civil Rights Cases*, both in 1883. More in tune with Radical thinking were three decisions in 1880, which ruled against state action that limited black service on juries, although in yet another case that year, the mere absence of blacks on juries was defined as insufficient to prove a denial of rights under the Fourteenth Amendment.

As the nineteenth century ended, a final Supreme Court ruling confirmed the earlier interpretative limitations on the reach of the Fourteenth Amendment. If its framers had intended that social equality be covered by section 1, *Plessy v. Ferguson* (1896) cancelled that application for more than half a century. The eight-man majority explained the need for and tradition of state regulations that distinguished between groups (such as whites and blacks). As a result, the regrettable doctrine of “separate but equal” entered the Fourteenth Amendment’s history. *See also* Amnesty Proclamations; Black Codes; Congressional Reconstruction; Jim Crow Laws; Ku Klux Klan; New South; Pardons; Presidential Reconstruction; Trumbull, Lyman; Women’s Movement.

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**Freedman’s Bank.** *See* Freedman’s Savings and Trust Company.

### **Freedman’s Savings and Trust Company**

The Freedman’s Savings and Trust Company, known as the Freedman’s Bank, was a private savings bank chartered by Congress in 1865 primarily for the benefit of **African Americans**. After initial success, it was forced to close in 1874 as a result of questionable business practices, careless oversight, outright fraud, and the financial **Panic of 1873**. The bank’s collapse, and the consequent losses suffered by thousands of small depositors, came to symbolize the nation’s betrayal of the freedmen and the larger failure of Reconstruction.

#### ***Background and Establishment***

The bank was born of the Civil War and **emancipation**. Freedmen working under free labor arrangements in Union-held areas had lacked a place to secure their earnings, while various military departments had created agencies for black veterans to deposit their bounties and pay. Recognizing the need for an interstate branch banking system to provide these services after the war,

Congress chartered The Freedman's Savings and Trust Company on March 3, 1865, the same day it established the **Bureau of Refugees, Freedmen, and Abandoned Lands** (the Freedmen's Bureau). The Freedman's Bank was the first interstate branch bank since Andrew Jackson killed the Second Bank of the United States during the 1830s.

The charter named fifty citizens to a board of trustees. Mainly New Yorkers, the trustees included some of the nation's most prominent businessmen, a number of whom also served on the boards of various **Freedmen's Relief Societies**. In fact, however, many trustees were listed as figureheads, and most had little involvement in bank affairs. Moreover, while the charter seemed to detail the bank's operations, it made insufficient provisions to guarantee that the bank would be run on sound business and banking principles.

The charter originally specified a minimum-risk investment strategy, since the Freedman's Bank was intended as a nonprofit, mutual savings bank owned by the depositors. There were no stockholders, initial capitalization, or authorization to make loans. Upon receiving deposits, the bank would retain as much as one-third for operating expenses and invest the rest in safe government securities. Profits were to be returned to the depositors as interest. The bank was envisioned as part of the larger mission to remake the South upon a free-labor basis and to inculcate in former slaves the values necessary to compete within capitalist society. By encouraging freedmen to save their earnings, reformers believed, the bank would help instill in them thrift, industry, and frugality, enabling them to acquire property and enter the American economic mainstream.

### *Growth and Development*

Originally headquartered in New York City, the Freedman's Bank started small but grew quickly. There were ten branches by the end of 1865 and twenty-two by 1867. Eventually, the bank operated thirty-four branches in every southern state, Washington, D.C., and several northern states that had cities with significant black populations. It also received applications for branches from many other southern cities and towns that it could not accommodate. Although such rapid expansion contributed to some organizational and operational difficulties, the bank proved popular among former slaves and even attracted a small number of white clients. By 1870, the bank held some 23,000 active accounts and \$1.6 million in deposits, and by 1874, more than 61,000 accounts and almost \$4 million had been deposited. During its nine-year life, the bank handled a total of more than 100,000 accounts and more than \$50 million in deposits.

The large majority of depositors were individuals with small accounts. The bank accepted deposits of as little as five cents to encourage freedmen to save. Larger individual accounts, though uncommon, were held in such cities as New Orleans and Charleston, which hosted an antebellum free-black elite. Black **churches**, schools, businesses, and mutual-aid and benevolent associations also accounted for an important part of the bank's business. Hundreds if not thousands of individual depositors, representing thousands more freedmen, purchased land, homes, or businesses with the money they

had saved at the bank, while many others used their savings for religious or **educational** purposes.

The bank actively sought deposits from freedmen. Its advertisements and circulars—which included the image of **Abraham Lincoln** as well as those of **Ulysses S. Grant**, **William T. Sherman**, and other Union generals—gave the impression that the federal government stood behind the bank. Moreover, although there was no official connection between the bank and the Freedmen's Bureau, the two organizations overlapped considerably. Local bureau offices and branch banks often shared the same building, bureau agents served as bank cashiers and on branch advisory boards, and higher-ranking bureau officials sat on the board of trustees. John W. Alvord, a congregationalist minister who had been active in wartime freedmen's aid efforts and who was instrumental in establishing the bank, was an original trustee and served first as the bank's corresponding secretary and then as president, while also serving as the bureau's superintendent of education. Although the Freedmen's Bureau commissioner, General **Oliver Otis Howard**, played no official role in the bank and was not directly involved in its affairs, he nonetheless envisioned the bank as one among a host of organizations and institutions, including schools, hospitals, and freedmen's aid associations, that were centered around the bureau and worked for the freedmen's advancement. Bank passbooks (deposit books) even included an endorsement from Howard assuring depositors that the bank was “an auxiliary to the Freedmen's Bureau.”

### *Speculation, Collapse, and Failure*

Despite the bank's growth, heavy operating expenses and the desire to produce larger dividends prompted bank officials—who were always overwhelmingly white, although some blacks served as trustees or on branch advisory boards—to seek other sources of revenue. In 1870, they persuaded Congress to amend the charter to permit the bank to lend money. Although limited to investing in real estate securities, bank officials soon began to make large, unsecured loans and to speculate in a number of unauthorized ventures, thus transforming the bank's mission from philanthropy and racial uplift to the pursuit of profit. With its headquarters having been relocated to Washington, D.C., the bank now fell under the control of Henry Cooke, brother of Civil War financier Jay Cooke, and William S. Huntington of its finance committee. Cooke was a full partner in, and the Washington agent of, the financial house of Jay Cooke and Company. The Freedman's Bank began investing heavily in Washington real estate and construction companies, as the city was experiencing a population boom, and it even undertook selling the bonds of Jay Cooke's Northern Pacific Railroad. Moreover, the bank loaned large sums—without sufficient collateral—to companies in which bank officials or trustees held financial interests. By 1873, a major part of the bank's assets were invested not in government securities but in real estate and unsecured loans to **railroads** and other companies.

The inability of Jay Cooke and Company to market its Northern Pacific Railroad bonds brought about the house's collapse, precipitating the Panic of

1873 that caused hundreds of businesses nationwide to fail. Facing bankruptcy, bank officials undertook a number of measures in late 1873 and early 1874 to reassure nervous depositors, including naming **Frederick Douglass** as president in March. Douglass was not involved in daily bank affairs, however, and he failed to prevent the bank from continuing to make unwise loans. Congress passed a bill in June to keep the bank alive, but confidence in it had been lost, as depositors continued to withdraw funds. On July 2, 1874, the board of trustees voted to close the bank for good.

When the bank closed, it owed just under \$3 million on 61,144 accounts, about half of which were for less than \$50. The main office had only \$400 in U.S. bonds, and the branches only \$31,689 in cash. Freedmen throughout the South received the news of the bank's closing first with alarm and then resignation. An initial announcement that the bank would pay 93 percent of its indebtedness proved to be unfounded. Before closing the bank, the trustees appointed a committee to collect the bank's assets and repay depositors. It did so until 1881, when Congress, finding further mismanagement, abolished the commission and transferred the bank's affairs to the federal comptroller of the currency. Between 1875 and 1883, five dividends were paid totaling 62 percent of the bank's indebtedness. Of 61,131 eligible depositors, only 29,996—fewer than half—sent their passbooks as required to receive the first dividend. They received a total of \$555,360.08, or an average of \$18.51. With each subsequent dividend, the number of claimants declined, so that by the time the last formal dividend was paid, only 17,893 of the more than 61,000 original depositors received the full 62 percent.

The failure of the Freedman's Bank provided political ammunition to the **Democratic Party** and other opponents of governmental assistance to former slaves, and it contributed to disillusionment and a sense of betrayal among the freedmen. For years afterward, individual members of Congress argued, to no avail, that the federal government had an obligation to repay the depositors in full. The comptroller of the currency continued to recoup the bank's assets, and between 1899 and 1919, under congressional authority, dividends were paid to depositors and their descendants who could prove that they had not received the full 62 percent of their deposits. In 1919, the affairs of the bank were closed for good. *See also* Abolition of Slavery; American Missionary Association; Black Troops (U.S.C.T.) in the Occupied South; Bruce, Blanche Kelso; Scandals.

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**Freedmen's Bureau.** *See* Bureau of Refugees, Freedmen, and Abandoned Lands.

## Freedmen's Bureau Bills

Between 1865 and 1872, Congress passed five bills, four of which were enacted, directly pertaining to the War Department's **Bureau of Refugees, Freedmen, and Abandoned Lands** (the Freedmen's Bureau), in addition to other legislation affecting the bureau.

### *Background*

The federal government created the Freedmen's Bureau in response to the disruption of southern civilian life resulting from the Civil War. During the war, several **Freedmen's Relief Societies** and other benevolent groups provided assistance to former slaves, while various federal agencies, in particular the War Department and Treasury Department, assumed responsibility for implementing systems of free labor, administering abandoned and confiscated plantations, and providing relief to freedmen and loyal white refugees. Even before Union victory had been assured, Congress considered the need for a federal agency to handle these matters and to oversee the transition from slavery to freedom upon Confederate defeat.

The Freedmen's Bureau originated in a December 1863 bill introduced by House Republican Thomas D. Eliot of Massachusetts. This bill passed the House in March 1864, but stalled for a year in the Senate over whether the proposed agency should be part of the War Department or Treasury Department. Not until March 1865, with Union victory imminent, did Congress agree to locate the bureau within the War Department. On March 3, the last day of the 38th Congress, a bill entitled "An Act to establish a Bureau for the Relief of Freedmen and Refugees" was passed and signed by President **Abraham Lincoln**.

### *The 1865 Act*

This act formally established within the War Department, for the remainder of the war and for one year thereafter, a "bureau of refugees, freedmen, and abandoned lands," which was charged with the supervision and management of abandoned lands and "the control of all subjects relating to refugees and freedmen from rebel states." The bureau was to be headed by a commissioner, appointed by the president with Senate consent, who would establish rules and regulations subject to presidential approval. The president was also authorized, with Senate approval, to appoint up to ten assistant commissioners to head the bureau in the insurrectionary states. Military officers could be assigned to bureau duty with no increase in pay. The commissioner was required to make an annual report to the president and any special reports as needed by the president or Congress; assistant commissioners were to make quarterly reports to the commissioner and special reports as necessary. The legislation authorized the secretary of war to issue provisions, clothing, and fuel for the relief of destitute refugees and freedmen. Finally, the act authorized the commissioner, under the president's direction, "to set apart, for the use of loyal refugees and freedmen," abandoned and confiscated land within

the insurrectionary states. It stipulated that “every male citizen” could rent up to forty acres of such land and be protected in its use for three years with an option to purchase at any time during this period.

Beyond signing the act establishing the Freedmen’s Bureau, Lincoln devoted little attention to it. His successor, **Andrew Johnson**, demonstrated no initial opposition to the bureau, but soon became hostile to it. Envisioning a limited Reconstruction, Johnson wanted to readmit the ex-Confederate states quickly and did not advocate overturning southern society. In particular, he objected to a program of land redistribution, and in September 1865, he ordered the bureau to restore land to pardoned owners. Throughout the rest of 1865 and into 1866, Johnson established southern state governments that enacted discriminatory **Black Codes**, while freedmen endured widespread **violence** and received no redress in southern courts. By February 1866, congressional Republicans concluded that Johnson’s policy required modification, and they passed two bills toward that end: a **Civil Rights Act** and a second Freedmen’s Bureau bill.

### *The 1866 Bills*

The February 1866 Freedmen’s Bureau bill was written by **Lyman Trumbull**, a **Moderate Republican** and U.S. senator from Illinois. It continued the bureau’s existence indefinitely and provided for its first direct funding. The number of assistant commissioners could be increased to twelve, and a local bureau agent could be appointed for every county. The secretary of war was again charged with providing assistance—including medical care and transportation—to the needy, and the commissioner was directed to build schools and asylums. Possession of land under General **William T. Sherman**’s Special **Field Order No. 15**—a January 1865 directive that had conditionally granted freedmen land in coastal **South Carolina** and **Georgia**—was confirmed for a period of three years. Additionally, the president was to make available three million acres of public land in the South for freedmen and loyal refugees to rent in forty-acre plots with the option to purchase. The legislation also assigned to the bureau a law enforcement role in the southern states, authorizing the president, through the commissioner, to “extend military protection and jurisdiction over all cases” in which freedmen were denied equal protection of the law, and empowering bureau officials to assume jurisdiction over and prosecute such cases.

Although the bill passed both houses of Congress with overwhelming majorities, Johnson vetoed it and issued a scathing veto message. An attempt to override the veto failed when six senators who had voted for the bill reversed themselves and sustained Johnson. The veto marked a major turning point in relations between Johnson and congressional Republicans over Reconstruction. (Johnson also vetoed the Civil Rights bill, but was overridden in April 1866.) Following Johnson’s action, congressional Republicans focused on drafting another Freedmen’s Bureau bill that could survive a veto. By late June, a new bill had passed both houses of Congress. Johnson returned it with his veto on July 16, 1866, but Congress immediately overrode him.

The July 1866 act was narrower than the previous bill, but in conjunction with the Civil Rights Act, the June 1866 **Southern Homestead Act**, and the July 1866 Army Appropriation Act, it significantly strengthened the Freedmen's Bureau. The new bill continued the bureau's operations for an additional two years and extended its jurisdiction to loyal refugees and freedmen throughout the country. It required the president to appoint two additional assistant commissioners (for **Kentucky** and **Maryland**), and it authorized continuing the service of army officers on bureau duty whose regiments were mustered out. The act empowered the bureau commissioner to use ex-Confederate public property for freedmen's **education**. It also required the commissioner to provide schoolhouses for teachers employed by private benevolent associations and to furnish protection "for the safe conduct of such schools." These activities were financed through the Army Appropriation Act, which allocated almost seven million dollars for the bureau (for the fiscal year) and represented its first separate appropriation.

Six of the act's fifteen sections addressed land in coastal South Carolina that had either been confiscated under provisions of wartime direct-tax acts or fell within Sherman's special field order. The act "confirmed and established" previous direct-tax sales to freedmen, and it spelled out procedures for the disposition of land still controlled by U.S. tax commissioners. It also provided that when lands to which freedmen held valid titles under Sherman's order were returned to their original owners, dispossessed freedmen would be permitted to lease twenty-acre plots elsewhere with a six-year option to purchase. It further stipulated that Sherman lands still held by freedmen were not to be returned until the year's crops were gathered and until freedmen were reimbursed for improvements made to the land. The previous bill's provision requiring the president to reserve public lands in the South for freedmen and refugees was excluded, owing to passage of the Southern Homestead Act.

The new bill reiterated the bureau's broad judicial powers. It directed that the president, through the Freedmen's Bureau, would "extend military protection and have military jurisdiction over all cases" in which freedmen were denied equality before the law. The Civil Rights Act already permitted use of the federal district courts to prosecute racial discrimination, but now military tribunals were also available. This provision of the bureau law did not extend to states where insurrection had not interrupted civilian courts, and it would no longer apply upon an ex-Confederate state's **readmission** to the Union.

### ***The Final Acts***

Passage of the 1867 **Military Reconstruction Acts** and the 1868 readmission of several states resulted in the bureau relinquishing many of its responsibilities. Nonetheless, because of the unsettled state of affairs throughout the South, in July 1868, Congress enacted two laws concerning the bureau. The July 6 law (upon which Johnson took no action) extended the bureau for one year while also requiring the secretary of war to discontinue the bureau in any readmitted state—unless, upon consultation with the commissioner, he



deemed its continuance necessary. This law excluded the bureau's education division, which was to continue until the southern states made sufficient provisions for freedmen's education. The second law, enacted over Johnson's veto on July 25, specified that the "present commissioner" would continue in his position and would nominate all his subordinates (to prevent Johnson from interfering with the bureau); it also decreed that the bureau would cease all operations on January 1, 1869, except for its education division and the collection and payment of veterans' claims. In an appropriation bill passed on June 10, 1872, Congress discontinued the bureau entirely as of the end of that month. *See also* Abolition of Slavery; African Americans; Agriculture; American Missionary Association (AMA); Amnesty Proclamations; Civil Rights; Confiscation Acts; Congressional Reconstruction; Contracts; Democratic Party; Edisto Island, South Carolina; Education; Elections of 1866; Emancipation; Fourteenth Amendment; Freedman's Savings and Trust Company; Howard, Oliver Otis; Joint Committee on Reconstruction; Labor Systems; *Milligan, Ex parte*; Pardons; Port Royal Experiment; Presidential Reconstruction; Republicans, Radical; Saxton, Rufus; Sharecropping; Stanton, Edwin M.; Stevens, Thaddeus; Sumner, Charles; Thirteenth Amendment; U.S. Army and Reconstruction; U.S. Constitution; Vagrancy; Washington's Birthday Speech.

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## Freedmen's Relief Societies

During Reconstruction, a network of charitable organizations known as Freedmen's Relief Societies sought to guide and assist former slaves in the transition to freedom. These groups provided food and other material aid, helped build schools and **churches**, and worked to facilitate freedpeople in finding a meaningful place in the political and economic order that arose in the U.S. South following the Civil War.

Many relief workers came from religious backgrounds and had been active in **abolitionism** before the war, but the movement was not limited to such people. Soldiers, businessmen, politicians, and other interested people also participated. These men and women did much to help the freed **African Americans**, especially in terms of alleviating their worst suffering and establishing the beginnings of an **education** system for blacks in the South. They proved less successful in helping former slaves acquire land and in establishing true equality in the Reconstruction South.

### *Origins*

The beginnings of the Freedmen's Relief Societies can be found during the Civil War. Early in the conflict, areas of the South with large concentrations of slaves came under Union control. The most famous such place was the Sea Islands region of coastal **South Carolina** and **Georgia**. Owners fled the arrival of Union forces, leaving behind thousands of slaves. **Abolitionists** in the North proved eager to travel south to assist these **contraband** slaves. A contingent of fifty plantation agents, as well as teachers, clergy, and doctors, under the leadership of Edward L. Pierce, a Boston lawyer appointed by Treasury secretary **Salmon P. Chase**, came to the Sea Islands in spring 1862. These "Gideonites" were the vanguard of an aid movement directed at former slaves whose activities would continue into Reconstruction and in some forms, especially education, for decades thereafter.

### *Education*

After the war, education became the dominant activity of the Freedmen's Relief Societies. The **Bureau of Refugees, Freedmen, and Abandoned Lands**, a federal agency established in March 1865, took over the massive task of providing material relief for former slaves and war refugees. The bureau encouraged private organizations, such as the **American Missionary Association**, and numerous other religious and secular groups to channel their relief efforts into building schools and providing teachers for former slaves. Within four years, these groups had established thousands of schools in the southern states, serving hundreds of thousands of students.

The operation of the schools reflected the philosophy of aid organizations that sponsored them. Both secular and religious groups sought not merely to teach former slaves reading, writing, and arithmetic, but also such qualities as self discipline and self-reliance, traits relief workers saw their charges lacking as a result of the degradation of slavery. That is, middle-class Victorian values were an integral part of the curriculum, and teachers were expected to instill their students with these principles outside as well as inside their classroom through personal example, founding organizations such as temperance groups, and intervening if necessary in their students' private lives.

In other words, the schools tried to instruct freedpeople in basic academic skills, while also insuring they would become moral, productive, and law abiding. As such, they proved as paternalistic, if more benevolent, than the former master class. Their approach could be racist, reflecting notions of moral superiority and insensitivity to the culture of former slaves. Nonetheless, the former slaves of the South eagerly embraced the educational opportunities provided, so desperate were they for the learning that had been denied them in the days of bondage.

### *Women*

While the leadership of the Freedmen's Relief Societies was almost invariably men, the service providers on the ground during Reconstruction often were women. Indeed, a classic image of this period in the South is the

Yankee schoolmarm, gently but energetically instructing and guiding her black pupils. While there is much truth to this picture, it conceals the fact that many of the women in the aid movement were activists as well as teachers, and their efforts involved more than simply education. Indeed, some women saw assisting freedpeople as a vehicle by which they might advance reform more generally and improve the status of women in American society by giving them a voice in the formulation of public policy. Hence, women served not only as teachers, but worked as lobbyists, fundraisers, organizers, agents of the Freedmen's Bureau, and helped former slaves obtain land, as well as encouraged the migration of ex-slaves to the North. Without the contribution of women, the efforts of the Freedmen's Relief Societies in the South during Reconstruction, especially in terms of education, would not have been possible. They provided much of the personnel on the ground, translating the good intentions of northern philanthropic groups into actual results.

### ***Blacks***

Blacks were not only beneficiaries of the Freedmen's Relief Societies, but also significant contributors. Free blacks in the North, starting during the Civil War, hastened to assist their brethren in the South. Elizabeth Keckley, seamstress to Mary Todd Lincoln, founded the Contraband Relief Association in 1862 to provide aid for slaves seeking refuge in Washington, D.C. Black northerners, such as Charlotte Forten, worked as part of the **Port Royal Experiment** in South Carolina as teachers.

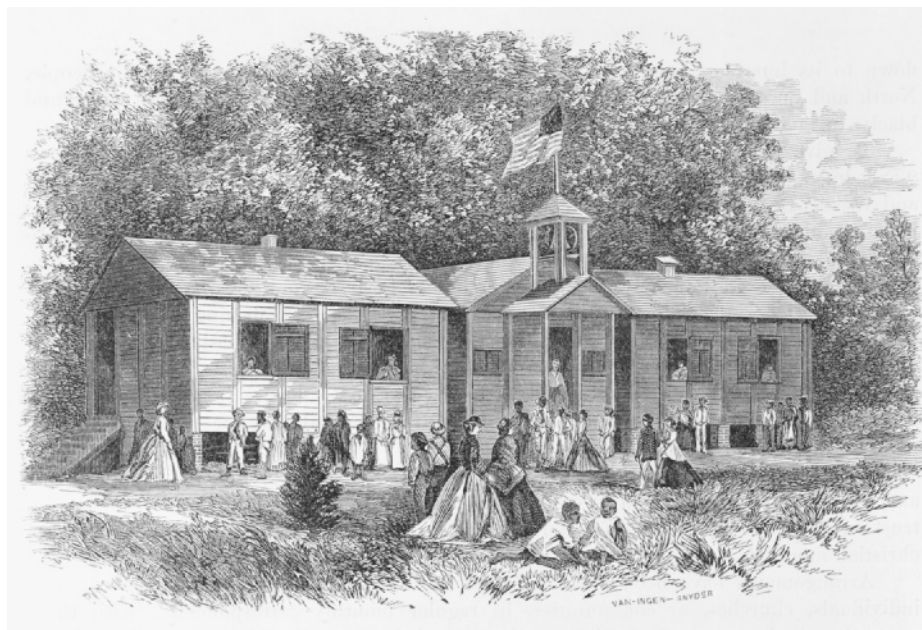


Illustration showing freedmen's school at St. Helena Island, South Carolina, c. 1868. (Courtesy of the Library of Congress.)

Not surprisingly, the efforts of these northern blacks in the South extended into Reconstruction. The African Civilization Society, led by **Richard H. Cain**, a clergyman in the African Methodist Episcopal Church, sought to educate former slaves and encourage racial pride. Cain and his organization believed that blacks from the North were better teachers for blacks in the South since they had greater cultural affinity than white northerners and were less judgmental. Their approach and beliefs put them somewhat at odds with white-run organizations, especially those with more racist inclinations. While there was much cooperation between white and black aid workers, they tended to distrust each others' motives and priorities. Nonetheless, they were joined in the notion that the former slaves needed a helping hand and did much to lend positive assistance to that end.

### *After Reconstruction*

The activities of these aid groups continued on a smaller scale after the end of Reconstruction, mostly centered in the field of education. White southerners had resented greatly the activities of the Freedmen's Relief Societies in the South, correctly seeing them as undermining white supremacy. Likewise, in the 1870s, northern interest in the plight of former slaves waned as support for **Congressional Reconstruction** declined. Hence, it was necessary for aid organizations to scale back their efforts and to demonstrate to the resurgent white southerners that they posed no threat. This goal accounts for the rise of the industrial education for blacks in the South, emphasizing practical skills and moral rectitude over classical education and political activism. By the end of the nineteenth century, the radical abolitionism of the Gideonites that had characterized the Freedmen's Relief Societies at their beginning had given way to the racial accommodation of the Tuskegee Institute and Booker T. Washington. *See also* Contracts; Edisto Island, South Carolina; Howard, Oliver Otis; Labor Systems; Redemption; Republicans, Radical; U.S. Army and Reconstruction; Women's Movement.

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*Donald R. Shaffer*



# G

## Garfield, James Abram (1831–1881)

Sometimes referred to as the last of the so-called “log cabin” presidents, Garfield was a native of Cuyahoga County, Ohio. He traveled to Massachusetts for school, graduating from the Williams Academy in 1856. He returned to Ohio, taught and became a college president, and ran for—and won—a seat in the Ohio Senate in 1859, as a Republican. Garfield drew a commission when the Civil War began, and by age thirty-one was a brigadier general. In 1862, he was nominated for Congress by his district, and allegedly persuaded by President **Abraham Lincoln** to leave the army and accept the seat.

As a congressman in the 1860s and 1870s, James A. Garfield reflected the evolution of the Republican Party as it moved from Radicalism to reconciliation in regard to reconstructing the Union. Entering the House of Representatives in 1863, still wearing his general’s uniform, he breathed a soldier’s defiance against his rebel foes, urging the **abolition of slavery**, equal rights for freedmen, the confiscation of rebel estates, and the exile of Confederate leaders. Impatient with halfway measures, he criticized that “second-rate Illinois lawyer,” Abraham Lincoln, for his seeming timidity, supported the **Wade-Davis Bill** and Manifesto, and allied himself with such kindred anti-Lincoln Republicans as Henry Winter Davis, Robert C. Schenck, and Garfield’s Ohio mentor, **Salmon P. Chase**. Such views were applauded by his constituents of the Nineteenth Congressional District in Ohio’s Western Reserve. These were the voters who had repeatedly sent Joshua Giddings to Congress, earning a reputation as the most **abolitionist** district in the nation.

Yet Garfield himself was not completely comfortable with extremist views. A man of essentially moderate, reflective instincts, he preferred to occupy the middle ground. “I am trying to do two things,” he confessed, “viz. be a radical and not be a fool.” Pulled one way by his temperament, another by his

constituents, he veered from one position to another. Once the Civil War ended, however, his moderate instincts, for a time, gained the upper hand.

The most striking example of this tendency came not in Congress but before the U.S. **Supreme Court** in the 1866 landmark case of *Ex parte Milligan*. In this case, his very first appearance in any courtroom, he defended a group of Indiana “copperheads” (Peace Democrats) who had been convicted of treason by a military tribunal. He successfully argued that such trials were unconstitutional if civil courts were available. Later generations would hail the decision as a victory for civil liberties, but at the time, Garfield was assailed by Radicals for defending traitors and for impeding **Congressional Reconstruction** and the execution of the **Military Reconstruction Acts** in the South.

Yet, not long afterward, Garfield was back in the Radical camp, driven there by President **Andrew Johnson**’s stubborn behavior and political overtures to former rebels. He enthusiastically supported the president’s **impeachment** in the House and was disappointed by the Senate’s failure to convict.

Garfield’s flirtation with Radicalism was only temporary and with the passage of the **Fifteenth Amendment** in 1870, he regarded the work of Reconstruction as completed. Like so many other northerners, he turned his attention from southern affairs and devoted his energies to his new passion—financial legislation, particularly a crusade on behalf of “sound money.” His occasional forays into matters southern were infrequent and inconsistent. On the one hand, he attacked the 1871 attempt to put down the **Ku Klux Klan** as a violation of the civil liberties he had defended in the *Milligan* case. On the other hand, he shamelessly waved the “**bloody shirt**” during the political season. Nonetheless, he was a key figure in negotiating the so-called **Compromise of 1877**, which, in effect, ratified white political control of the southern states in return for the peaceful inauguration of President **Rutherford B. Hayes**.

Four years later, Garfield himself was sworn in as president. In his inaugural address he deplored the **disfranchisement** of southern blacks by the white regimes he had helped install, but his only concrete proposal was a promise to encourage public **education** in the southern states. He was discussing this very matter with Secretary of State **James G. Blaine** on July 2, 1881, when two bullets from assassin Charles J. Guiteau interrupted the conversation and ended the Republican general’s life and his administration. *See also* Black Suffrage; Enforcement Acts; Grant, Ulysses S.; Presidential Reconstruction; Redemption; U.S. Constitution; Violence.

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*Allan Peskin*

### **Garrison, William Lloyd (1805–1879)**

William Lloyd Garrison, white **abolitionist**, journalist, and social reformer, was born on December 10, 1805, in Newburyport, Massachusetts. The

circumstances of his youth, a religiously inspired reform culture, and increasing black opposition to slavery shaped his life. A radical on issues of slavery and race during most of his career, Garrison became more conservative during the Civil War and Reconstruction.

### *Early Years*

Garrison was the third of four children born to Abijah Garrison, a heavy-drinking seaman, and Frances (Lloyd) Garrison, an evangelical Baptist. Abijah abandoned the family in 1808, plunging it into poverty and stiffening Frances's resolve to instill a Christian conscience in each of her children. Her two daughters died before reaching adulthood, her elder son resisted her influence, and Lloyd—as he was called—became the recipient of her intense moralism.

In 1818, he became an apprentice in the office of the *Newburyport Herald*. There he learned to set type, gained a liberal **education**, and studied the writings of New England Federalists, whose condemnation of immorality reinforced his mother's. Between 1826 and 1828, Garrison edited reformist newspapers in Newburyport and Boston. Regarding himself as a “universal reformer,” he wrote against the consumption of alcoholic beverages, Sunday mail delivery, lotteries, war, and racial oppression, but he failed to attract subscribers and the newspapers either failed or let him go.

In mid-1828, Garrison met Benjamin Lundy, a white Quaker abolitionist who published the *Genius of Universal Emancipation* in the slaveholding city of Baltimore. Inspired by Lundy, Garrison began his abolitionist career as editor of the *Journal of the Times* in Burlington, Vermont. Like Lundy and other abolitionists of the time, Garrison advocated gradual abolition and supported the American Colonization Society (ACS), which advocated transporting former slaves to Africa. By April 1829, when he moved to Baltimore to become coeditor of the *Genius of Universal Emancipation*, Garrison had begun to advocate immediate **emancipation** without expatriation.

### *Immediatism*

In Baltimore, Garrison observed the brutality of slavery, lived and worked with black abolitionists, and read black abolitionist David Walker's *Appeal*. Although Garrison rejected Walker's endorsement of antislavery **violence**, he became a more determined advocate of **African American** rights. Garrison's denunciation of a slave trader led to a libel suit and, when he could not pay a \$100 fine, to his imprisonment in a Baltimore jail. He remained there for forty-nine days, until wealthy New York City abolitionists Arthur and Lewis Tappan paid the fine.

The notoriety Garrison gained from his imprisonment prompted him to undertake a speaking tour in the Northeast to promote immediate abolitionism. He also raised money to finance his weekly *Liberator*, which began publication in Boston during January 1831. He declared in the first issue, “I am in earnest—I will not equivocate—I will not excuse—I will not retreat a single inch, and *I will be heard*.” Dependent on black financial contributions and subscribers, *The Liberator* became the leading American abolitionist newspaper of the 1830s.



During the early years of that decade, Garrison promoted immediatist organizations and denounced the ACS as proslavery and racist. In December 1832, he helped establish the biracial New England Anti-Slavery Society. In 1833, he toured Great Britain ostensibly to raise money for a black manual labor school, but also to ally himself with British immediatists. At the end of the year at a meeting in Philadelphia, he led in the formation of the American Anti-Slavery Society (AASS). Garrison's moral views and Nat Turner's 1831 **Virginia** slave revolt shaped the society's rejection of violent means and its tactic of appealing to the conscience of slaveholders and other Americans. It contended that slaveholding was a sin and a crime and African Americans had a right to equality in the United States.

By 1835, the AASS, which represented a tiny minority of northerners, had undertaken massive efforts to petition Congress for the **abolition of slavery** in the **District of Columbia**, to send antislavery propaganda into the South, and promote the discussion of slavery in the North. These efforts produced an antiabolitionist and antiblack reaction. Congress refused to receive petitions related to slavery. Southern states banned the postal delivery of antislavery publications. All across the North, rioters attacked abolitionists and invaded black neighborhoods. In October 1835, a Boston mob captured Garrison and he barely escaped death.

A year earlier, Garrison had married Helen Benson, the daughter of one of his abolitionist allies. The couple had seven children and their home in Roxbury, Massachusetts, became a center for visiting abolitionists of both races. Helen also made their home a haven that provided Garrison with insulation from his hectic and dangerous career. The intensity of the reaction nevertheless convinced him that slavery had so corrupted American society that abolition alone could not redeem it. To avoid God's wrath, the nation required fundamental reform. Influenced by Christian perfectionism, Garrison embraced nonresistance, a philosophy that rejected all violence, including that exercised by government. Since government rested on force, Garrison and his closest associates became anarchists, refusing to vote or hold elective office. They maintained that the **U.S. Constitution** was a proslavery document. Garrison also opposed organized religion as superstitious, proslavery, and corrupting. Decrying patriarchal oppression, he supported the fledgling **women's movement**.

Most immediatists objected to Garrison's radical reform vision. They believed it kept potential recruits from joining the antislavery movement. Many black abolitionists regarded Garrison's rhetoric as impractical. Nearly all but his New England associates assumed that for moral suasion to succeed, it had to be allied with an independent abolitionist political party. Antiabolitionist violence in the North and signs of slave unrest in the South led relentlessly toward rejection of Garrison's pacifism. After several years of turmoil, the AASS shattered in 1840. While he and his associates retained control of the "old organization," most abolitionists—black and white—departed. Garrison's relations with the new **church-oriented** American and Foreign Anti-Slavery Society and Liberty Party remained bitter into the 1850s.

Starting in 1842, Garrison maintained that only dissolution of the Union could save northerners from the sin of slavery and promote abolition in the

South. On July 4, 1854, he burned a copy of the U.S. Constitution. Yet, he was not impractical. He understood that, as a radical, he had to influence the nation's politics. Therefore, while he condemned the tiny Liberty Party, he regarded the Free Soil Party, formed in 1848, and the Republican Party, formed between 1854 and 1856, as indications that nonabolitionist northerners were becoming more antagonistic to slavery. Although these mass political parties officially opposed only the expansion of slavery and slaveholder control of the U.S. government, Garrison encouraged them to take more advanced anti-slavery stands.

### *In the Civil War and Reconstruction*

Proslavery leaders charged that Garrison, despite his pacifism, favored slave revolt and war between the sections. Nevertheless he was one of the few immediatists who remained committed to nonresistance at the time of John Brown's 1859 raid at Harpers Ferry, Virginia. Not until the Civil War began in April 1861 did Garrison contradict his earlier views and become a strong supporter of President **Abraham Lincoln's** forceful effort to preserve the Union.

The Civil War made Garrison popular in the North, and his new status greatly gratified him. Like other immediatists, he urged Lincoln to make general emancipation a goal of the war and to enlist **black troops** on an equal basis with white troops. Garrison favored a constitutional amendment to permanently abolish slavery, but he withdrew from his role as an agitator and supported Lincoln's cautious approach to changing the South. Strangely, he defended Lincoln and the conservative and **Moderate Republicans** against those who advocated more rapid progress toward emancipation and black rights. In 1863 and 1864, he disagreed when his immediatist colleague **Wendell Phillips** and some **Radical Republicans** advocated providing land to former slaves, **black suffrage**, a constitutional amendment to prohibit racial discrimination, and an extended postwar military occupation of the former Confederacy.

In April 1865, shortly after the war ended but before the **assassination of Lincoln**, Garrison visited Charleston, **South Carolina**, where he addressed former slaves, declaring that they had the same "inalienable rights" as white people. The following month, believing that he and other abolitionists had achieved their goal, he called on the AASS to disband. When the great majority of members rejected his proposal, he and most of his Massachusetts colleagues withdrew from the organization. Following the ratification of the **Thirteenth Amendment** in December 1865, he ceased publication of the *Liberator*.

Garrison assumed that former slaves could advance themselves without national intervention to force white southerners to recognizing black rights. As it became clear in 1866 that white southerners would return most African Americans to slavery in all but name, he became more supportive of national government action to protect the freedpeople. By then, however, he was no longer a prominent figure in the debate over Reconstruction. He longed to retire, although he continued to speak in favor of prohibition, women's rights, a more enlightened policy toward **American Indians**, and black **civil**

**rights.** He died in New York City on May 24, 1879. *See also* Black Codes; Congressional Reconstruction; Disfranchisement; Presidential Reconstruction.

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*Stanley Harrold*

### **Gary, Martin Witherspoon (1831–1881)**

Known as the “Bald Eagle of Edgefield” because of his personality and appearance, Martin Witherspoon Gary played a primary role in helping the **South Carolina Democratic Party** reassert political control during Reconstruction.

Born on March 25, 1831, in Cokesbury, South Carolina, Gary attended South Carolina College from 1850 to 1852. Because of his participation in a student uprising (the Biscuit Rebellion), he withdrew from the college and enrolled at Harvard University, graduating in 1854. Gary returned to western South Carolina, where he studied law under Edgefield lawyer James Parsons Carroll. Admitted to the bar in 1855, he established a law practice in Edgefield and, in 1860, won election to the state legislature, where he strongly favored secession. Already a cavalry colonel in the South Carolina **militia**, Gary enlisted in the Confederate army as an infantry captain in Hampton's Legion. He participated in major battles including First and Second Manassas, Antietam, Fredericksburg, and Chickamauga. Gary was promoted to lieutenant colonel of infantry in June 1862, colonel in August 1862, and brigadier general in May 1864, whereupon he assumed command of all cavalry in and around Richmond, Virginia. In early April 1865, Gary received the rank of major general. Refusing to surrender at Appomattox, Gary and a small contingent of his forces joined with **Jefferson Davis** in Greensboro, **North Carolina**, and escorted the fleeing Confederate president as far as Cokesbury, South Carolina.

After the war, Gary resumed his legal practice in Edgefield. He became heavily involved in Democratic politics, crafting the “Edgefield Plan” to support Democratic candidates through fraud, voter intimidation, and vigilante action. Adamantly refusing fusion with **carpetbag**, **scalawag**, and **African American** Republicans, Gary led the “Straight-out” faction of the Democratic Party in support of **Wade Hampton III**'s successful 1876 gubernatorial election. That same year, Gary was also elected senator to the Fifty-second South Carolina General Assembly (1876–1878), although Republicans contested his victory and he was not officially seated until federal troops were removed from the state in April 1877. In 1878, Gary was reelected to a second term in the state senate (1878–1880) but some Democrats, including conservative Democrats, aligned behind Wade Hampton, and began to distance themselves from Gary's racial extremism and agrarian politics. He lost elections to the U.S.

Senate in 1877 and 1879, and became increasingly vitriolic toward his Democratic opponents. After losing the gubernatorial election of 1880 to one of Hampton's successors, Johnson Hagood, Gary returned to Edgefield. He died in 1881 after a brief illness. *See also* Chamberlain, Daniel Henry; Compromise of 1877; Congressional Reconstruction; Elections of 1876; Grant, Ulysses S.; Gun Clubs; Redemption; Shotgun Plan; U.S. Army and Reconstruction; Violence.

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*Kimberly R. Kellison*

## Georgia

The Reconstruction of Georgia (1865-1871) began in May 1865, with the end of the Civil War and the surrender of Georgia's Confederate governor, **Joseph E. Brown**. Much of the South was destroyed by the economic disruption of **agriculture**, the lack of social order, and the political overhaul inspired by the war. The Reconstruction of the South involved a three-pronged plan: restoring the South to the Union, reorganizing the structure of its society, and implementing legislation to address the rights of former slaves. President **Abraham Lincoln** issued a Proclamation of **Amnesty** and Reconstruction in 1863 that would allow southern states to be readmitted to the Union following certain steps. After President Lincoln's **assassination**, President **Andrew Johnson** adopted his plans and began to implement many of his strategies for bringing the South back into the Union.

### *Georgia and Johnson's Reconstruction*

Georgia's road to Reconstruction began with President Johnson's appointment of a **provisional governor** to manage the difficult process of transforming the state economically, politically, and socially. On June 17, 1865, President Andrew Johnson appointed James Johnson provisional governor of Georgia. Governor Johnson had been a respected lawyer in Columbus, Georgia, and later became a member of Congress who opposed secession in 1861. Provisional Governor Johnson called for the election of delegates to a convention in Milledgeville, which took place in October 1865. The purpose of this convention was to restore Georgia to the Union, a goal Governor Johnson accepted when he accepted the president's appointment.

On October 3, 1865, the Georgia delegates met for the first time and were led by two men at the convention as they worked to frame a state constitution. **Charles Jones Jenkins** was the presiding officer and Herschel V. Johnson was chairman of the committee on business. Although both men were anti-secessionists, their selection would create controversy among **Radical Republicans**, who later criticized Governor Johnson's handling of the state.

The convention's delegates developed a new constitution that repealed the Ordinance of Secession and declared the **abolition of slavery**. Another

primary task for the conventions' delegates was the repudiation of the state's war debt. This was a hotly debated topic that became the most difficult issue to resolve. A bone of contention for many delegates, this issue raised such ire among committee participants that on November 6, Jenkins reported in the *Journal of the Constitutional Convention* that the committee was not able to agree on the resolution of this debt. Jenkins asked for a discharge, but the issue was finally resolved because committee members became convinced that repudiation was necessary for Georgia's restoration. There were not many differences between the state's early constitution in 1861 and this new one, under which the state applied for **readmission** to the Union.

A state election occurred on November 15, 1865, with Charles J. Jenkins as the only candidate for governorship. Jenkins was a conservative who seemed to rally the support of Georgians comfortable with his record of service in the government of Georgia. On December 5–6, 1865, the Georgia General Assembly ratified the **Thirteenth Amendment** to the **U.S. Constitution**, which abolished slavery. The new Georgia Assembly also enacted legislation concerning freedmen, which included a series of eleven laws for the regulation of freedmen's rights that were reported to Governor Charles Jenkins on December 19, 1865.

### ***Freedmen's Bureau and Freed Blacks in Georgia***

The **Bureau of Refugees, Freedmen, and Abandoned Lands** (the Freedmen's Bureau) was created in 1865 by Congress to provide food and supplies, establish schools, and redistribute land to former slaves and poor whites throughout the South. Through this initiative, any person who pledged loyalty to the Union could lease and later have the option to purchase forty acres of land from the Freedmen's Bureau. This concept was problematic for many southerners, and represented the problems inherent in the development of the bureau. White southerners often viewed the bureau as a means to enfranchise blacks and give away land that had formerly belonged to whites. This led to abuses against blacks that in some cases forced them to give up their land rather than risk being beaten or killed by irate whites who felt that the blacks should not own this land. The Freedmen's Bureau failed in its efforts to distribute land en masse to blacks, but was successful in setting up schools throughout the South for more than 200,000 free blacks.

The bureau faced many obstacles. In many of the former Confederate states, a backlash occurred among whites who believed that blacks were benefiting to the detriment of whites. As a result, the establishment of **Black Codes** in many southern states led to the highly regulated postwar position for **African Americans**. Although Georgia is noted as a state that did not create official Black Codes, its laws did deny blacks many rights, including the right to serve as jurors or to vote.

The work of the Freedmen's Bureau was understood differently by various groups of people. The organization primarily focused on issues that were educational, political, judicial, industrial, and social. Henry M. Turner joined the African Methodist Episcopal **Church** in Georgia in 1864, after resigning a commission within the Freedmen's Bureau that had been assigned to him by

President Andrew Johnson. Later, under **Congressional Reconstruction**, Turner encouraged black political independence and became a powerful **black politician** in the state of Georgia. Even before this, in January 1866, more than forty black delegates met in convention to discuss the issue of **education** for blacks. Supported by the Freedmen's Bureau's head, General Davis Tillson, the delegates established the Georgia Equal Rights and Educational Association to educate freedmen and secure equal rights for all citizens, regardless of race or color.

### *Radical Republicans and a New Reconstruction, 1865–1868*

By the end of 1865, the former Confederate states had established new constitutions and elected new state and federal officers. With this, President Johnson declared Reconstruction completed in December 1865. However, the 39th Congress, which convened at the end of 1865, believed differently, and firmly blocked the restoration of these states. Republicans in Congress argued that the states had not been penalized for seceding from the Union and, more important, would not be inspired to change until forced to do so. Congress then began to put in place certain safeguards for the freedpeople and certain constraints on the former Confederates, embodied in **civil rights bills**, new **Freedmen's Bureau bills**, and eventually the **Fourteenth Amendment**. Conservative Johnson vetoed the Civil Rights Bill and Congress's attempt to renew the charter of the Freedmen's Bureau. Congress later successfully overrode Johnson's veto, and the Freedmen Bureau's charter was renewed. After several months of reviewing the conditions of the former Confederate states, Congress began to consider further reconstructing the South through a variety of means.

The ratification of a proposed Fourteenth Amendment was almost unanimously rejected in Georgia's legislature in November 1866. In spite of Johnson's views, Congress successfully passed the **Civil Rights Act of 1866** and later passed the Fourteenth Amendment. In March 1867, Congress passed the **Military Reconstruction Act**, which divided the South into five districts, each governed by an Army general who supervised the execution of the acts. Georgia was part of the Third Military District, governed by General **John Pope**, who registered eligible black and white voters according to the new constitution. To protest the changes that were occurring as a result of the new acts, in April 1867, Governor Charles Jenkins traveled to Washington and filed a petition before the **Supreme Court** for an injunction against the enforcement of the Reconstruction Act. The courts dismissed his petition in May of that year.

Jenkins conceded the loss and issued an Address to the People of Georgia that advised them not to act under the Act to avoid tensions and **violence** in the state. Georgia blacks, including Henry Turner and others, organized a black Republican Party in May 1867 that focused on forming alliances with white Republicans. The black-white Republican alliance in Georgia was instrumental in organizing mass meetings of blacks in rallies to support the registration of black voters and encourage celebrations of the congressional Reconstruction Acts.

In October and November 1867, an election was held for delegates to a **constitutional convention** that would meet from December 1867 to March

1868. A new state constitution was framed that included **black suffrage**, the establishment of free public schools, the move of the seat of state government from Milledgeville to Atlanta, and numerous other changes. The constitution was ratified in April and the new governor, Republican candidate **Rufus Bullock**, was elected.

In July 1868, the Georgia Assembly ratified the Fourteenth Amendment, inaugurated Governor Bullock to a four-year term, and at this point, the Reconstruction of Georgia was complete when the state was readmitted to the Union. However, it was also during this period that Georgia Democrats began to pressure the Georgia Assembly to reconsider Congressional Reconstruction. White Republicans who worked with blacks were labeled as **carpetbaggers** or **scalawags** based upon their affiliations with the South. Carpetbaggers were people who came from the North after the war and attempted to benefit from the South's political changes by becoming active under provisions that allowed one-year residents to hold office. Carpetbaggers were often viewed as greedy northerners who wanted to gain financially through their work in the South. Scalawags were whites born in the South or who had lived in the South before the war and were part of the Republican Party. These terms were important because they typically influenced the political agenda of an individual. Scalawags became extremely powerful in the Georgia Assembly and began to influence other whites to oust black legislators who had recently gained political status. Although scalawags by definition were Republicans, they often held more conservative views rooted in their southern upbringing.

Another major influence on the political evolution of Georgia during this period was the creation of an organization called the **Ku Klux Klan**. This organization was instrumental in organizing brutal, violent attacks against blacks who sought political or social enfranchisement. The Klan was blamed for the murder of Georgia Radical George W. Ashburn, a staunch Republican and advocate for blacks' civil rights. Several men were brought to trial but never convicted in spite of eyewitness accounts of the shooting. The Klan was also instrumental in further thwarting activities by blacks to gain economic, political, and social equality.

In September 1868, the black Republican Party planned to hold a rally in a small Georgia town known as Camilla. Prior to the scheduled event, there was a confrontation between blacks and whites that led to the killing of twelve blacks and the injuring of several whites. Known as the Camilla Massacre, this was one of many incidents during this period that was indicative of the precarious nature of blacks' political strivings. White Republicans also suffered at the hands of organized efforts by whites to curtail the efforts to secure civil rights for blacks. This period also began to signal the decline of black political agency and power and signify the ushering in of a new era that would signal the demise of Reconstruction.

### ***Democratic Resurgence and the End of Georgia Reconstruction, 1869–1872***

In an effort to finance public education, Republican politicians worked to implement a **poll tax**. Soon, it became evident that the poll tax would have

negative consequences for black voters. Governor **Rufus Bullock** suspended the poll tax in November 1868 because he and others recognized that it would **disfranchise** black voters, but it was too late because once this tax had been introduced, Democrats recognized its value at controlling the ballot box.

In 1869, Congress passed the **Fifteenth Amendment**, which prohibited voting discrimination based on race. This amendment was ratified in 1870, but allowed a great many loopholes, including the poll tax. In December 1870, Georgia conservatives won back many seats in the General Assembly election for the November 1871 convening. The poll tax was reinstated, which, along with reports of intimidation by the Ku Klux Klan, reduced the black vote significantly.

Governor Rufus Bullock was castigated by Democrats and poorly perceived by many Republicans because of his views on military occupation and his personal affiliations. Bullock's activities were troubling to those who viewed him as a polarizing force within the Republican Party. His advocacy for blacks garnered him much of the black Republican support, but it did not secure his position as Georgia's governor. In fact, many Republicans began to recognize that Bullock had lost his political power and was likely to be impeached due to the political current of the state. As a result, blacks began to seriously consider how they would seek political redress under the circumstances. Some considered joining forces with sympathetic Democrats in hopes of retaining some of their political power.

Governor Bullock resigned in October 1871, recognizing that he would soon be impeached by Democrats who had retaken control of the legislature. Upon his resignation, Bullock warned Georgians that if they voted for leaders who ignored the Fourteenth and Fifteenth Amendments, then they risked never being able to incorporate the South into the mainstream of the United States. White conservative Democrats were called the Redeemers, and they were back in office with a stringent political agenda by 1872. Although Reconstruction in some southern states did not end until 1877, Reconstruction ended for Georgians with the election of both a Democratic governor (James Smith) and a Democratic legislature in January 1872. *See also* Presidential Reconstruction; Race Riots; Redemption; Union League of America.

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*Kijua Sanders-McMurtry*

### **Godkin, Edwin Lawrence (1831–1902)**

A critical journalist regarding most events and policies during Reconstruction, Godkin was born in Ireland of English parents. He received a first-rate



education at the Royal Institute and Queen's College in Belfast. He began his career in journalism covering the Crimean War for the *London Daily News*. During the American Civil War, Godkin supported the Union cause.

In 1865, he became the editor in chief of *The Nation*, an **abolitionist** journal of opinion, politics, and culture. Given that abolitionists had established the magazine, Godkin quickly redirected it into the safe ideological harbor of social conservatism. He disliked all forms of radicalism and reform, and the magazine reflected Godkin's opinion (and prejudices) until his retirement. He was a nineteenth-century liberal, which included a laissez-faire policy regarding politics and public policy. His conception of liberty meant a limited government operating within strict constitutional limits. In that way, Godkin was a pioneer critic of modern liberals and the future twentieth-century welfare state. His opposition to an activist government was consistent, and led to his rejection of many elements of the **Radical Republicans'** Reconstruction policy.

Godkin was a strong critic of democracy, desiring a very restrictive franchise and opposing women's and **black suffrage**. It logically followed that he endorsed immigration restriction. His social thought had a strong nativist hue. Organized labor according to him had a baneful effect on public policy. The rise of democratic values in the popular culture was the death toll of artistic taste and discernment. In brief, Godkin opposed "chromo-civilization," which constituted a culture of gossip, **scandal**, and sensationalism.

Always conservative, he supported the gold standard and civil service reform because both solutions kept the great unwashed away from the center of power. After 1881, when *The Nation* and the *New York Evening Post* merged, he attacked all forms of imperialism, including the Spanish-American War. Only an educated elite of taste and conservative sensibilities could save the Republic. He was a leading spokesman for anti-Democratic Anglo-American intellectuals. He thought democracy was a sham and a fake. While he saw Tammany Hall as corrupt, he supported Grover Cleveland in 1884, despite subscribers' protests and boycotts.

He remained a vocal advocate for an aristocratic liberalism. He rejected political parties, which delighted some intellectuals. Soon after his retirement, he died in Brixham, England. *See also* Congressional Reconstruction; Johnson, Andrew; Republicans, Liberal; U.S. Constitution; Women's Movement.

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*Donald K. Pickens*

### **Gordon, John B. (1832–1904)**

John Brown Gordon, Confederate major general and postwar politician, was born in **Georgia** on February 6, 1832. He attended the University of Georgia,

but left that institution early to study law. At the outbreak of the Civil War, he was engaged in mining operations in northwest Georgia in partnership with his father.

Gordon entered the Civil War as a captain and rose in the ranks through arduous service that included a severe wounding at Sharpsburg (Antietam) in September 1862. His duties with the Army of Northern **Virginia** encompassed the major campaigns of the Eastern Theater in the war. On March 25, 1865, General Robert E. Lee chose Gordon's command for an assault on Fort Stedman in an attempt to lift the Union stranglehold on the Confederates at Petersburg. At Appomattox, when General Lee surrendered the army, Gordon poignantly offered a return salute to one given the defeated southerners by Joshua Lawrence Chamberlain.

Following the conflict, Gordon returned to Atlanta to resume the practice of law. Later, when law failed to provide him with sufficient financial support, he became president of the Atlanta branch of the Southern Life Insurance Company of Memphis. During this period, Gordon also became increasingly active in politics, supporting the **Democratic Party**. In 1868, he ran unsuccessfully for the governorship of Georgia against Republican **Rufus B. Bullock**, and was one of a number of prominent ex-Confederates to attend the **Democratic National Convention** in New York City, including **Nathan Bedford Forrest** and **Wade Hampton**.

At the same time, coinciding with a visit to Georgia by General Forrest, Gordon became involved with the **Ku Klux Klan** in the state, reputedly holding the post of Grand Dragon. Both Forrest and Gordon touted the organization—to which each denied actual membership—as existing solely for self-protection and made up only of the best sort of leading citizens and ex-Confederates. Both men also testified about the secret society before a congressional committee investigating Klan activity in 1871.

In 1873, the Georgia legislature selected Gordon for the U.S. Senate. He held that seat until 1880 and again in 1891–1897, playing a key role in helping to break the political impasse created by the disputed presidential **election of 1876**. Gordon interspersed his time in the Senate with work in the private sector and two terms as governor of Georgia (1886–1890). He was considered part of a powerful set of Democratic leaders in the state that represented a commercializing and industrializing **New South**. He also became active in the United Confederate Veterans, serving as that organization's commander until his death. Gordon completed his wartime memoirs, *Reminiscences of the Civil War* in 1903, shortly before dying in Miami, **Florida**, on January 9, 1904. *See also* Compromise of 1877; Congressional Reconstruction; Enforcement Acts; Grant, Ulysses S.; Redemption; Violence.

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*Brian S. Wills*

**Gould, Jay (1836–1892)**

Jay Gould, a financier and securities trader who first rose to national prominence during early Reconstruction, was perhaps the most notorious of the powerful businessmen sometimes known as “robber barons.” Born to a poor farm family in Roxbury, New York, Gould displayed an early knack for real estate speculation as a teenager. By his early twenties, Gould was part-owner of a profitable Pennsylvania leathery tannery, and his partner’s suicide in the wake of the Panic of 1857 left the first taint of **scandal** around Gould’s name. It would not be the last.

Three Reconstruction-era episodes epitomized Gould’s career and served to define his character in the public eye. First, in 1867–1868, Gould, along with James Fisk, aligned himself with Daniel Drew in stock speculations on the Erie **Railroad** (one of the four major trunk lines to lucrative midwestern markets) in order to contest its takeover by the aging Cornelius Vanderbilt. During the widely reported legal clash that ensued, Gould and Fisk stole across the Hudson River in the dead of night from New York City to New Jersey in March 1868 with the Erie’s account books to prevent the Vanderbilt faction from assuming control of the railroad, which Gould was finally compelled to relinquish in 1872. Second, and even more damaging to Gould’s reputation (if not his growing fortune), were his subsequent machinations to corner the U.S. gold market, which resulted in a major financial panic known as “Black Friday” on September 24, 1869. It soon came to light that Gould’s efforts to influence federal fiscal policy in favor of his scheme had involved the brother-in-law of President **Ulysses S. Grant**, thus helping lend an early aura of corruption to that administration.

Finally, during the 1870s, the so-called “Mephistopheles of Wall Street” turned his attention further west, to the emergent transcontinental railroad systems and the communications network that paralleled them. His battles for control of the Union Pacific railroad and the Western Union telegraph company, among others, cemented his reputation as a ruthless if effective corporate speculator. Yet, critics charged that, under his ownership, properties were usually mismanaged and poorly maintained. Gould would gain further notoriety because of his hostility to the growing organized-labor movement, especially during the southwestern railroad strike of 1886.

During the Reconstruction era, individual businessmen fully emerged onto the national stage as celebrities, but even his recent champions admit that Gould was a terrible performer in this respect. An intensely private man, he had little talent for justifying himself to the public, and as his career progressed, he became increasingly ill-tempered in the face of the relentless attacks on his ethics and character. Anti-Semitism likely played a role in the tenor of these assaults, since Gould was long mistakenly identified as Jewish. Still, his reputation was not helped by the miserly philanthropic contributions he made during his lifetime; and upon his death in 1892, Gould bequeathed all of his \$72 million estate to his family. It is perhaps testament to the ephemeral nature of the speculations in which Gould engaged so successfully that he proved unable to leave behind a self-sustaining fortune that far outlived him, as

did his contemporaries like the Vanderbilts, Carnegies, and Rockefellers. *See also* Democratic Party; Elections of 1876; Panic of 1873.

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*Scott P. Marler*

## **Grant, Ulysses S. (1822–1885)**

Ulysses S. Grant, Union army general who rose to command of all federal armies by the end of the American Civil War, and became president of the United States from 1869 to 1877, based his fame as the architect of Union military victory over the Confederacy. Grant's still-controversial role in the politics of Reconstruction cannot be understood apart from his role in the winning of the Civil War.

### ***Career before the Civil War***

Born Hiram Ulysses Grant in Point Pleasant, Ohio, on April 27, 1822, Grant was the son of Jesse Root Grant and Hannah Simpson Grant. Grant's father was a farmer and tanner in frontier Ohio. Jesse Grant's activism in local Whig Party politics, where he acquired a reputation for antislavery opinions, permitted him to obtain an appointment for his son to the U.S. Military Academy at West Point, New York. Upon entry to the Military Academy in 1839, he permitted his name to be changed to Ulysses Simpson Grant, for reasons that have never been entirely clear. It was partly a clerical error attributable to the congressman who nominated him as a cadet, but Grant's own fear of being identified by the initials of his given name, "H.U.G.," appear to have contributed to his refusal to correct the error. Whatever the true reason, for the rest of his life, he went by the name of Ulysses Simpson Grant, giving rise to his famous nicknames—"U.S." Grant, or "Sam" Grant, which associated him in the minds of his many supporters with the ideas of Unconditional Surrender, Uncle Sam, and the United States.

As a cadet, Grant gave little indication that he would become the most dominant general of nineteenth-century America. He excelled in no subject in the classroom, finishing a mediocre twenty-first out of thirty-nine graduating cadets in the class of 1843. Among his fellow cadets, he was amiably regarded by many, but distinguished only by his sure grasp of horsemanship, a talent he had brought with him from Ohio. Upon graduation in June 1843, he was commissioned as a second lieutenant in the infantry and assigned to duty at Jefferson Barracks, outside of St. Louis, Missouri, where he met his future wife, Julia Dent.

In the spring of 1845, Grant, along with most of the **U.S. Army**, was assigned to duty under the command of General Zachary Taylor on the disputed border between **Texas** and Mexico. Taylor had been ordered to the border by President

James K. Polk, who had been elected on a platform calling for the annexation of Texas and an aggressive expansion of U.S. territory. After Mexican troops attacked a detachment of Taylor's soldiers on the American side of the Rio Grande River, Congress declared war on Mexico. In the campaigns that followed, Grant distinguished himself as a combat leader. Following American victories at Palo Alto and Resaca de la Palma, Grant accompanied Taylor's army to Monterey, where he fought in the brief siege in September 1846. He then transferred with his regiment, the Fourth Infantry, to the command of General Winfield Scott, who had been preparing a campaign against Mexico City commencing in the coastal port of Vera Cruz. Again, Grant distinguished himself in the sharp fighting that characterized Scott's campaign. At the battle at Molino del Rey on September 8, 1847, and the battle of Chapultepec on September 13, 1847, which effectively ended the resistance of the Mexican army, Grant exhibited the great coolness under fire and stubborn determination to prevail that would characterize his generalship in the Civil War.

After the war, Grant returned to the United States, where his first order of business was to marry Julia. The Grants' marriage was a happy one, which produced four children, and Julia remained a stabilizing influence on Grant throughout his life. The peacetime army, however, brought scant satisfaction to Grant. With the end of the war with Mexico came the return of the monotonous routines of an army in garrison and the temptations of alcohol that went with it. Rumors and legends of Grant's drinking habits and alleged alcoholism date from this period. What is certain is that Grant was sent to the Oregon frontier in 1852 without his family and in 1854, he resigned from the army, almost certainly under the threat of dishonor and court-martial for drunkenness.

What followed was the lowest period of Grant's life. Stripped of the only profession he had ever known, he found himself compelled to return to St. Louis to a small plot of land he dubbed "Hardscrabble," which his father-in-law had deeded to him. For the next five years, he struggled to support his family by farming and engaging in a variety of petty commerce. All of these ventures failed, increasing both Grant's indebtedness and his sense of despair. In the spring of 1860, he moved his family to Galena, Illinois, where his father and brother had established a leather store. There, he heard the news that war had broken out between the North and the South.

### *Union General and Strategist*

Once hostilities began, Grant's rise was meteoric, and the qualities he had displayed during the Mexican War returned to the fore. In Galena, he quickly organized a volunteer company of infantry in the first rush of outrage sweeping across the North after the firing on Ft. Sumter in Charleston, **South Carolina**, in April 1861. By early summer, he had been called to the capital at Springfield, Illinois, where he gained command of the Twenty-first Illinois Infantry Regiment and a commission as a colonel in the Union army. By August 1861, after a successful skirmish across the Mississippi River into Missouri, the U.S. Army appointed him brigadier general and he continued to show great skill in turning green farmhands and mechanics into competent soldiers. On

November 7, 1861, he launched an attack on the Confederates at Belmont, Missouri, and despite a determined Confederate counterattack, Grant's troops fought well under fire.

After Belmont, a strategy of seizing control of the vast river system of the American heartland crystallized in Grant's mind. Grant reasoned that the Union could use a combination of naval and land power to seize key points along the tributaries of the Mississippi River, enter deep into Confederate territory, cutting it into pieces and weakening its resistance to the point of defeat. In February 1862, he captured Forts Henry and Donelson on the Tennessee and Cumberland Rivers and forced the "unconditional surrender" of Confederate general Simon B. Buckner. In April 1862, at Shiloh Landing, he turned back the army of Confederate general Albert Sidney Johnston in a horrific two-day bloodbath that caused 13,000 Union casualties, and then marched upriver to Corinth, **Mississippi**. Grant's forces successfully defended Corinth against a Confederate attack in October 1862, and he then began a long but ultimately fruitful struggle to seize Vicksburg, the key to the Confederate defense of the entire lower Mississippi valley. On July 4, 1863, after a siege of six weeks, Confederate general John C. Pemberton surrendered his entire command of 30,000 troops, the largest Confederate surrender up to that point in the war.

After the fall of Vicksburg and the securing of the Mississippi, Grant turned his attention eastward. Following a buildup of forces at Chattanooga, **Tennessee**, he ordered an assault on the Confederate position at Missionary Ridge in November 1863, which threw the Confederate Army of Tennessee back into **Georgia** and forced Confederate president **Jefferson Davis** to fire its commander, General Braxton Bragg. Grant's victories at Vicksburg and Missionary Ridge paved the way for President **Abraham Lincoln** to name Grant as commanding general of the Union army and earned him a promotion to lieutenant general. Leaving his favorite subordinate, General **William T. Sherman**, in charge of the campaign in Georgia, Grant moved east in the spring of 1864 to take command of all Union armies and personally supervise a new campaign against Robert E. Lee's Army of Northern **Virginia**, which stood between the federal capital in Washington and the Confederate capital in Richmond, Virginia.

In a series of spectacular and costly battles in the spring and summer of 1864, Grant and Lee fought the final great act of the Civil War. At the Wilderness, Spotsylvania, Cold Harbor, and Petersburg, Grant drove relentlessly south while Lee parried his every move with great skill and mounting casualties on both sides. In the end, however, Grant forced Lee into a siege along a thirty-mile-long series of trench lines stretching from Richmond to Petersburg, similar to what he had done at Vicksburg the year before. In April 1865, Confederate defenses finally cracked, and Grant's forces pursued the remnants of Lee's army to its final surrender at Appomattox Court House.

### ***Grant, Political Tumult, and Early Reconstruction***

Confederate defeat, followed by the **assassination of Abraham Lincoln**, made Grant the most popular and heroic figure in the country. This, in turn,

made Grant a natural candidate for president, but strained his relationship with Lincoln's successor, **Andrew Johnson**. In late 1865, Grant made an inspection tour across the defeated South at Johnson's urging. His public report emphasized his belief that ex-Confederates accepted defeat and the finality of the **emancipation** of their slaves. Johnson promptly used Grant's report to support his program of **pardon** and **amnesty**, which most Republicans in Congress opposed. At the time, many congressmen felt betrayed by what they interpreted as Grant's support for Johnson, a prewar southern Democrat, because Grant had been known to actively support Lincoln's decision to arm **black troops** and use army resources and personnel to run the **contraband** camps that were the forerunners of the **Bureau of Refugees, Freedmen, and Abandoned Lands**. Despite the fact that Johnson nominated Grant for the unprecedented rank of four-star general, Grant turned against Johnson in the summer and fall of 1866, fearing that Johnson's policies would ultimately rob the Union of what he termed "the fruits of victory."

After Republicans won a landslide in November 1866 that gave them veto-proof majorities in both houses of Congress, Grant increasingly had to contend with a commander in chief intent on thwarting the majority will in Congress. In August 1867, Grant accepted the position of interim secretary of war after Johnson removed **Edwin M. Stanton** in deliberate violation of the **Tenure of Office Act**. This action caused an enraged Republican Congress to vote for Johnson's **impeachment**. When the Senate refused to acquiesce in Stanton's relief in early 1868, Grant returned Stanton's office in the War Department. Johnson felt betrayed and tried to humiliate Grant in a full **cabinet** meeting at the White House, but Grant refused to relent, which again made him a heroic figure to Republicans and sealed his nomination for president. In November 1868, he won election against former New York governor **Horatio Seymour** on the campaign slogan, "Let Us Have Peace."

### *Republican President*

Grant's record as president from 1869 to 1877 has been as fiercely disputed as the history of Reconstruction itself, and for nearly the same reasons. To many Americans at the time, particularly northerners who supported the war and **African Americans**, his ascent to the highest office of the land heralded an era of just and lasting civil peace to match a previous era of strife and civil war. To others, particularly white southerners who had fought for the Confederacy, his election represented a hated Yankee determination to oppress a prostrate South and establish the humiliations of "negro domination" and "bayonet rule" over southern states.

Using an unprecedented array of federal powers enacted in the wake of the Civil War, Grant made the greatest effort of any American president before the 1960s to enforce **civil rights** and political opportunity for African Americans. Ratification of the **Fifteenth Amendment** in 1870 outlawed voting discrimination on the basis of race. Passage of the **Enforcement Acts** of 1871 and 1872 put legislative teeth into the promise of the amendment, by making it a federal crime to conspire to prevent the exercise of the franchise and authorizing the suspension of the writ of habeas corpus in extreme cases of

lawlessness. The creation of the Department of Justice during his administration gave the federal government the means to pursue legal cases against widespread white supremacist efforts to impede black voting in the South. In 1871–1872, Grant combined these powers in what became, in effect, a counterinsurgency campaign to break the power of the **Ku Klux Klan** across the states of the former Confederacy. The most extensive of these campaigns occurred in **South Carolina**, where he ordered the suspension of the writ and deployed the U.S. Army's Seventh Cavalry in nine upcountry counties when the Klan inaugurated a reign of terror. While the Department of Justice ultimately convicted fewer than 100 on federal felony charges, the wholesale arrest of thousands of suspected Klan members, in the view of most historians, broke the momentum of the Klan's secretive power and drove its membership into quiescence for several years.

Grant's success in ensuring free access to the ballot for blacks paid political dividends in his 1872 landslide reelection campaign against the New York newspaper editor **Horace Greeley**. Greeley's own ineptness as a politician, however, concealed a number of underlying problems that ultimately caused Reconstruction to unravel. In part, members of the **Democratic Party** nominated Greeley because he had been a Republican during the Civil War who ran on a platform of sectional reconciliation, made famous in his appeal to "clasp hands across the bloody chasm." In part, though, Democrats embraced Greeley because he had already been chosen as the candidate of the **Liberal Republicans**, a faction within the Republican Party that split with Grant over a number of issues, including his ill-considered scheme to annex Santo Domingo, civil service reform, and his use of the military in the South. This factional infighting among Republicans emerged in a byzantine struggle for power within **Louisiana**, where electoral fraud and **violence** caused Congress to refuse to certify the state's electoral votes from 1872 and led to repeated attempts to overthrow the black-supported Republican state government in New Orleans. In response, Grant sent federal troops, which created a national controversy when army commanders escorted disputed legislative candidates out of the chambers of the Louisiana House using armed soldiers. The uproar was so great that when Mississippi governor **Adelbert Ames** requested that Grant send federal troops to help supervise elections in his state in the fall of 1875, Grant's **cabinet** warned him against it. Without federal aid, Mississippi Republicans lost the state elections in November, and white supremacists seized the state legislature, impeached the black lieutenant governor, and forced Governor Ames to resign the following year under the threat of similar action. Across the South, black and white Republicans found themselves losing ground everywhere.

By 1876, Grant found his administration on the defensive on every front. In a series of decisions from the *Slaughterhouse Cases* in 1873 to the *Cruikshank* decision in 1876, the **Supreme Court** repeatedly ruled against expansive readings of federal power in the Fourteenth and Fifteenth Amendments, narrowing the prosecutorial authority of the Justice Department. A spreading series of corruption **scandals** undercut the Grant administration's reputation for integrity. While Grant himself was never personally implicated, his secretary of war, William W. Belknap, resigned under the cloud



of a scandal involving kickback payments for sutler contracts at army posts, and his own personal secretary resigned after being implicated in the “Whiskey Ring” scandal, which involved large-scale tax evasion and bribery between liquor distillers and federal revenue agents. In 1873, a bank **panic** led to a stock market collapse and a run on banks that produced a five-year depression and led to the Democrats regaining control of the House in the mid-term elections of 1874.

Despite all of these difficulties, Grant’s personal popularity remained enormous. Many Republicans wanted him to run for an unprecedented third term in 1876. Grant refused, and devoted his remaining time in office to ensure that the disputed presidential election between **Samuel Tilden** and **Rutherford B. Hayes** that year did not spill over into another civil war. After overseeing the secret inauguration of Hayes, the eventual Republican winner, at the White House in March 1877, he and Julia departed Washington for a two-year-long trip around the world that kept the Grants constantly in the public eye. Grant’s triumphant return, and Hayes’s decision not to seek a second term, made him a popular if not universal choice for president again in 1880. The campaign reached a climax on the thirty-sixth ballot of the Republican National Convention, when **James Garfield**, who had also served as a volunteer general during the Civil War, won the nomination.

### *Waning Years: Desperation and Victory*

Grant’s return to private life looked similar to his private life before the Civil War. He moved his family to New York and invested his life savings in a brokerage partnership with Frederick Ward, who eventually bankrupted the firm of Grant and Ward through speculative investments that crashed in the Wall Street panic of 1884. Desperate to pay his debts and support his family, and having learned that he had contracted cancer of the throat brought on by years of inveterate cigar smoking, Grant turned to writing the book that ultimately vindicated his public life. The two-volume *Personal Memoirs of Ulysses S. Grant* has been critically acclaimed as the finest military memoir in American letters. Sadly, it contains virtually no commentary about his trying years as president, other than a valedictory profession that the promise of freedom and American unity would prevail and make the nation great and whole again in time. Written with a bluntness and clarity that remain attractive to this day, it proved so popular and spellbinding that some believed it must have been ghostwritten by Mark Twain, who was a close personal friend of Grant’s, or Adam Badeau, an aide who helped Grant gather documents. Those familiar with Grant’s pithy dispatches during the war, however, immediately recognized that at the end of his life, Grant had regained that certainty of expression that had characterized his triumphant conduct of Union strategy in the Civil War. Grant did not live to see this last vindication, dying just days after finishing the final chapter at the summer resort of Mount McGregor in upstate New York on July 23, 1885. *See also* Black Suffrage; Command of the Army Act; Congressional Reconstruction; Elections of 1866; Elections of 1868; Elections of 1876; Presidential Reconstruction; Redemption; Republicans, Radical; Violence.

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*James K. Hogue*

### **Greeley, Horace (1811–1872)**

Born in 1811 in Amherst, New Hampshire, to a poor family, Horace Greeley became one of the most powerful American figures of the nineteenth century. A small, eccentric man with a moon face and a fringe of white whiskers, who embraced a wide variety of reforming causes, Greeley was easy to lampoon, but anyone who underestimated him made a mistake. From his position as editor of the enormously powerful *New York Tribune*, Greeley became an important voice in American politics from the accession of John Tyler to the presidency after the death of William Henry Harrison to the anti-**Grant** campaign of 1872, in which Greeley himself was a presidential candidate.

#### ***Reform Spirit: Antebellum and Civil War***

Trained as a printer as a boy, Greeley moved to New York City in 1831, and ten years later, started publication of the *New York Tribune*, which he designed to promote moral, intellectual, and political knowledge. Refusing to print police reports and unscrupulous advertisements, Greeley dedicated his paper to Whig policies and a reform agenda that included Fourierism, labor cooperatives, support for women's rights, and antislavery. While his utopian dreams ultimately had little affect on American policies, Greeley's staunch support for both the Whig policies of internal improvements and tariff walls and his antislavery position framed the direction of national politics in the mid-nineteenth century.

In his determination to stop the spread of slavery and develop the country with northern labor, Greeley was an early and vocal opponent of the 1854 Kansas-Nebraska Act that repealed the Missouri Compromise. He demanded that northerners hold the line against southern attempts to control the nation, and he hailed the birth of the Republican Party with enthusiasm. Although not a strong supporter of **Abraham Lincoln** in 1860, he helped to throw the Republican nomination to the Illinois lawyer out of a determination to make sure front-runner **William Henry Seward**, whom he considered unelectable, did not get the nomination. Although pleased to see a Republican in the White House, Greeley was continually frustrated with what he considered to be Lincoln's lackluster prosecution of the war. In August 1862, Greeley published "The Prayer of Twenty Millions," accusing the Lincoln administration of weakness and demanding that the president bolster the Union cause by embracing **emancipation**. Obligated to answer an attack from such a prominent Republican, Lincoln responded to Greeley directly. The president's now-famous reply defended his determination to save the Union, and to make his policy toward slaves serve that ultimate priority.

### *Postwar Disillusionment*

With the end of the war, Greeley believed the nation was now free to move forward economically without the hampering weight of slavery. As soon as General Lee surrendered to Grant at Appomattox, Greeley called for “Magnanimity in Triumph,” urging the country forward to a triumphant future. Greeley held to this course even after the **assassination of Abraham Lincoln**, and ultimately joined others in protesting the continued imprisonment of **Jefferson Davis** without trial. In 1867, Greeley was one of twenty men who guaranteed Davis’s bail.

Greeley’s willingness to sign a bond to free Jefferson Davis indicated his growing disillusionment with postwar Republicanism. Not surprisingly, Greeley had initially supported **Andrew Johnson’s** conciliatory policy, but had broken with him over his willingness to accept southern circumscription of black rights. However, he could not side unreservedly with **Radical Republicans** in Congress, either. As congressional party members increasingly consolidated their power to resist President Johnson’s attempts to monopolize Reconstruction policy, Greeley chafed at Republicans’ apparent willingness to appeal to voters’ worst instincts to gain votes. Disgusted with the Republicans’ apparent inability to find a true statesman as a leader, Greeley was a lukewarm supporter of Grant in the **election of 1868**, and quickly lost whatever enthusiasm he had for the president as the **scandals** of his administration began

to come to light. Grant’s attempt to force the annexation of Santo Domingo in 1869 and revelations that administration supporters demanded absolute political loyalty as well as kickbacks for political **patronage** appointments directly affronted Greeley’s belief in an honest government that fairly developed the national interest.

Greeley’s anger at Grant translated into a devastating blow for Reconstruction measures designed to protect black rights in the South. In spring 1871, Democrats in **South Carolina** charged that the Republican legislature—elected by black voters, although most of the legislators were white—was confiscating property through taxation in order to redistribute wealth to poor blacks. This sort of southern rhetoric was not new, but Greeley made it a national story in May 1871, with an opening salvo in an attack on Grant. His “Political Problems in South Carolina” suggested that the black voters the Grant administration was protecting were receiving federal protection solely to keep the Republicans in power, and that Republicans bought their votes with promises of government jobs. Only Greeley, with his long history of agitation for black rights, could have made this story valid in the North, and stick it did. He continued to reiterate



Undated portrait of Horace Greeley. (Courtesy of the Library of Congress.)

this argument to weaken Grant, and northern support for the protection of black Americans and their southern Republican allies faltered.

### *The Liberal Republican Movement*

Greeley's attacks on the Republican administration played into the hands of reformers concerned about Republican corruption and apparent attempts to lock up the political system in Republicans' favor. When opponents of the administration organized as the **Liberal Republicans** for the election of 1872, Greeley was a hopeful supporter of their attempt to purify government. The Liberal Republicans insisted on the southern acceptance of the Reconstruction amendments to the **U.S. Constitution**, called for **pardons** for former Confederates who had been **disfranchised**, and demanded civil service reform and an end to government corruption. The bolters harnessed their hopes to protariff forces, and at their **Cincinnati Convention** they gave their presidential nomination to Greeley. In what would be a mixed blessing for the movement, the following month, the **Democratic Party** endorsed the platform and candidates of the Liberal Republicans.

Opponents of Greeley in the campaign attacked the editor so harshly that he mused that he sometimes could not tell if he was running "for the Presidency or the penitentiary." When Grant won the election handily, an exhausted Greeley fell into a despondency that was compounded by the death of his wife during the campaign. He died on November 29, even before the vote count had been completed. Greeley was buried in Brooklyn, New York. *See also* Abolitionists; Abolition of Slavery; African Americans; Amnesty Proclamations; Congressional Reconstruction; Fifteenth Amendment; Fourteenth Amendment; Labor Systems; Moses, Franklin J., Jr.; New Departure; Presidential Reconstruction; Republicans, Radical; Thirteenth Amendment; Women's Movement.

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*Heather Cox Richardson*

### **Grimes, James W. (1816–1872)**

Republican senator James Wilson Grimes was born in Deering, New Hampshire, on October 20, 1816, the youngest of eight children. He graduated from Dartmouth College in 1836, and moved west to practice law in an area known as the "Black Hawk Purchase"—land that would eventually become Michigan, Wisconsin, the Dakotas, and Iowa.

Grimes set up his law practice in Burlington. When the Iowa territory was formed in 1838, he served as the librarian for a year and as a delegate on the territorial assembly from 1838 to 1839 and 1843 to 1844. He also served as

the Burlington City solicitor, the justice of the peace, and worked in private law firms. In 1846, he married Sarah Elizabeth Neally, and they had one adopted child.

Once Iowa became a state in 1846, Grimes served in the legislature, and was eventually elected to serve as governor from 1854 to 1858. He was elected to the U.S. Senate in 1859, and served through the entire war. Although the **Democratic Party** had controlled Iowa, Grimes was elected governor from the Whig Party. Considered a moderate politician, he was an advocate of “free soil” issues (opposing the spread of slavery) and actually entered the Senate as a Republican. At the height of the sectional crisis, Grimes participated in the convention held in Washington, D.C., in 1861 in an effort to prevent the impending Civil War. In 1865, as a Republican, he ran again for the Senate and was reelected.

As a **Moderate Republican** and potential swing voter, Grimes was one of the power brokers in the Senate, often wooed by the **Radical Republicans**. He was an early supporter of President **Andrew Johnson**, and was especially shaken by Johnson’s veto of the **Civil Rights Bill** in 1866. Thereafter, as Congress began to challenge the president for control of Reconstruction, he sat on the **Joint Committee on Reconstruction**. As with many Moderates, he felt betrayed by Johnson and became a harsh critic of his Reconstruction policy. He supported, with reservations, the **Military Reconstruction Acts**, but openly claimed that the **Tenure of Office Act** did not cover Secretary of War **Edwin Stanton**.

Grimes’s outspoken moderation worried Radicals during the **impeachment** trial, as they knew the vote for conviction would be close. In May 1868, as the party pressure for conviction grew, Grimes suffered an attack of paralysis, and Radicals and their newspapers rejoiced, hoping this would keep him from voting. On May 16, when the Senate convened for its first vote, Grimes was carried in on a stretcher, and Chief Justice **Salmon P. Chase** even waived the rules so he could vote without standing. He became one of the seven so-called Republican “**recusants**” who voted not guilty, and allowed Johnson to stay in office.

His motives are fairly clear. There were personal issues involved—as everyone knew, Grimes hated **Benjamin Wade**, Johnson’s successor should the latter be removed—but his sincere belief in fairness and moderation drove his vote. Grimes, interviewed soon after the Senate adjourned as High Court of Impeachment, placed the matter in perspective, saying,

I can not agree to destroy the harmonious working of the Constitution for the sake of getting rid of an unacceptable President. Whatever may be my opinion of the incumbent, I can not consent to trifle with the high office he holds. . . . However widely, therefore, I may and do differ with the President respecting his political views and measure, and however deeply I have regretted, and do regret the differences between himself and the Congress of the United States, I am not able to record my vote that he is guilty of high crimes and misdemeanors by reason of those differences. (*Harper’s Weekly*, June 6, 1868)

An immediate target of Republican retribution, Grimes’s health never recovered. He suffered a more debilitating stroke in 1869, and resigned his

Senate seat. He moved abroad for two years, but not long after returning to the United States his heart developed problems, and he died on February 7, 1872. Grimes is buried in Aspen Grove Cemetery in Burlington, Iowa. *See also* Civil Rights; Congressional Reconstruction; Elections of 1866; Fessenden, William Pitt; Presidential Reconstruction; Ross, Edmund G.

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*Michelle Mellon*

## Gun Clubs

Gun clubs, also known as “rifle clubs” or “sabre clubs,” were an important link in the chain of Democratic paramilitary organizations active during Reconstruction, primarily in **South Carolina**. The history of the gun clubs illustrates the conflicts over who could legitimately use force. When the Republicans in Congress passed the **Military Reconstruction Act** in March 1867, it put the South under military supervision, and disbanded all existing state **militias**. When Governor **Robert K. Scott** reorganized South Carolina’s militia in 1869 on an integrated basis, some all-white companies such as the Carolina Rifles of Charleston formed, but were not accepted. Several of these nominally changed from militia units to social clubs. The gun clubs tended to be led by prominent white citizens, including Andrew Pickens Butler and C. Irvine Walker, and held a variety of public social functions such as picnics, parades, and medieval-style tournaments. Despite this peaceful façade, the gun clubs were typically armed with rifles, shotguns, and even bayonets. A few more gun clubs formed in the cities over the next three years, but the proliferation of gun clubs across the state began in earnest in 1874, as conservatives responding to corruption in state government became determined to regain political control. Some clubs in rural areas, such as the Palmetto Sabre Club, were merely the latest incarnation of antebellum agricultural clubs that had monitored slave behavior.

When the 1876 campaign began in South Carolina, the **Democratic Party** already had an extensive network of gun clubs that could turn their hands to electioneering. These organizations were the basis of the **Red Shirts**, who harassed and intimidated Republican voters and candidates. Governor **Daniel H. Chamberlain** issued an order to disband all gun clubs in October 1876, but the gun clubs simply fell back on the fiction of their purely social purpose. The Allendale Rifle Club renamed itself the Allendale Mounted Baseball Club and continued its activities without a pause. Taking its cue from the so-called “**Mississippi Plan**” in the neighboring state, these private military forces staged parades and rallies, and often appeared at Republican functions to

intimidate their political adversaries. Most contemporaries and historians agree that the armed presence of these large organizations had a powerful effect on the Republican turnout at the election.

Their impact did not end with the election. While the Democrats and Republicans, in South Carolina and Washington, D.C., argued over who had won, thousands of rifle club members converged on the state capital in Columbia. These groups claimed to be protecting Democrats who were contesting the election results, but they also served to pressure white and black Carolina Republicans. Since black militia units could not contend with former Confederate soldiers, only the **U.S. Army** protected Chamberlain and his government. Once the **election of 1876** was decided, and President **Hayes** removed federal troops from the southern capitals, the Republican administration had no choice but to capitulate. *See also* Carpetbaggers; Compromise of 1877; Congressional Reconstruction; Elections of 1876; Hampton, Wade, III; Ku Klux Klan; Redemption; Red Shirts; Violence.

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*Bruce E. Baker*

# H

## Hahn, Georg Michael Decker (1830–1886)

Michael Hahn, U.S. congressman and governor of unionist **Louisiana** during the Civil War, played a prominent role among Unionists in wartime New Orleans and within Louisiana's Republican Party during Reconstruction. Born in Germany on November 24, 1830, he emigrated as a small child with his widowed mother and siblings to the United States, eventually settling in New Orleans around 1840. Orphaned in 1841, he attended local schools and received his law degree in 1851 from what is today Tulane University. A Democrat before the war, he opposed secession, and, after New Orleans fell to federal forces in 1862, he helped organize Unionists and worked closely with federal military officials. He became a Republican, vigorously endorsing **emancipation** and the policies of President **Abraham Lincoln**, and in 1863, briefly represented Louisiana in the U.S. Congress. Returning to New Orleans, he purchased a pro-Confederate newspaper and used it to promote the Unionist cause. He played a key role in writing the state's 1864 constitution **abolishing slavery**, and that same year, he was elected governor under Lincoln's Ten Percent Plan. He resigned in early 1865 upon his election to the U.S. Senate, but, owing to congressional Republicans' misgivings over Lincoln's plan, he was never seated.

Following Lincoln's **assassination**, Hahn opposed the Reconstruction policies of President **Andrew Johnson**. He supported the attempt to reconvene the 1864 **constitutional convention** for the purpose of enacting **black suffrage**, and he almost died from a grievous gunshot wound suffered at the infamous **New Orleans riot** of July 30, 1866, that resulted when the convention tried to meet. Undeterred, he became manager and editor of the *New Orleans Republican* in 1867 and continued in these positions until 1871.



In 1872, Hahn moved to his sugar plantation in St. Charles Parish, where he founded the town of Hahnville, established the *St. Charles Herald*, and actively supported public **education**. Although Hahn was not as prominent in the Louisiana Republican Party during the 1870s as he had been, he held various public offices for the rest of his life. He was elected to the state legislature in 1872, 1874, and 1876, serving for a time as chairman of the Judiciary Committee and as Speaker of the House. He was appointed state registrar of voters in 1876; in 1878, he became superintendent of the U.S. Mint at New Orleans; and from 1879 to 1885, he served as a federal district judge in Louisiana. In 1880, he founded the *New Orleans Ledger* to support Republican candidates, and, after having initially declined the nomination, he was elected to Congress in 1884 by a large majority from Louisiana's heavily Democratic Second Congressional District. Hahn died in Washington, D.C., on March 15, 1886, before completing his term, and he was buried in Metairie, Louisiana.

Although considered a **Moderate Republican**, Hahn was nonetheless a principled defender of black **civil rights**. Even his political opponents came to admire his physical courage, strength of conviction, and personal integrity. Despite his long career in the law and politics, Hahn died financially impoverished. *See also* Amnesty Proclamations; Banks, Nathaniel P.; Butler, Benjamin Franklin; Presidential Reconstruction; Race Riots; Suffrage; Wells, James M.

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*John C. Rodrigue*

### **Hampton, Wade, III (1818-1902)**

Hampton was a former Confederate general who dominated **South Carolina** politics in the 1870s, ultimately leading the forces of "**Redemption**," which overthrew Republican rule in 1876.

Born into one of the wealthiest planter clans in the South, Hampton turned his attention to managing extensive family estates in South Carolina and **Mississippi** after graduating from South Carolina College in 1836. Like his father and grandfather, Hampton came to act as a conservative political power broker from his base at Millwood plantation, on the outskirts of Columbia. Elected to South Carolina's General Assembly in 1852 and 1858-1861, Hampton spoke out consistently against radical measures, opposing the movement to reopen the transatlantic slave trade and even the independent secession of his state in 1860. Once his state voted for disunion, however, he accepted a colonel's commission, raising and largely financing "Hampton's Legion," a unit comprising six companies of infantry, four companies of cavalry, and a battery of artillery. During the Civil War, he distinguished himself as a brave and skillful cavalry commander, rising to the rank of lieutenant general. When J.E.B. Stuart

was killed in action, Hampton assumed command of Lee's cavalry forces. He and his unit were sent to South Carolina to shore up morale when Union general **William T. Sherman** invaded the state. By the time the Confederacy fell, he had lost his wealth and his slaves, seen Millwood burned, and been wounded five times. Still, he surrendered only reluctantly and soon became one of the progenitors of the "**Lost Cause**" movement.

Hampton returned to South Carolina in 1865 the gallant and beloved hero, a leader who had given his all for his home state. He could easily have been elected governor in that year (as he might well have been earlier on, had secession and war not intervened), but deferred to the like-minded **James L. Orr**, in the belief that the selection of an ex-Confederate general would inflame northern hostility. Conservatives put him on the ballot anyway, and more than 48 percent of voters supported him, demonstrating the power of his name and hinting at the strength and stridency of white intransigence. In the immediate postwar period, however, Hampton had his hands full settling up the legal wreckage of his family's agricultural empire. In 1868, with debts topping one million dollars, he declared bankruptcy and consigned his shattered property to creditors. By this time, Hampton's hesitant support for President **Andrew Johnson's** Reconstruction plans had fully faded, as **African American** troops enforced federal control across the state and white and black Republicans dominated the statehouse. "If we had known you were going to back with bayonets the **carpetbagger**, the **scalawag**, and the negro in their infamous acts," he later told President **Ulysses S. Grant**, "we would never have given up our arms!"

Thousands of other white Carolinians felt likewise, engulfing the state in a reign of **Ku Klux Klan** terror. Responding to an appeal from Republican governor **Robert K. Scott**, Hampton issued a public call for the "preservation of order" in the fall of 1868. The fact that night-rider activity virtually disappeared for the next eighteen months again demonstrated his strength and popularity. It is important to remember, however, that Hampton—a once-wealthy, well-educated, stoical Episcopalian conservative—always put moderation and order at the forefront, and held faith in "fair treatment" from Washington long after **Radical Republicans** had dashed most other white southerners' hopes for a restoration of the old order. His 1872 call for "the Redemption of the South," culminating in the end of Reconstruction in South Carolina four years later, should be seen in that light.

Given the bloody vengefulness of the **Red Shirt** campaign during the **election of 1876**, it is easy to forget Hampton's moderating mission. Unlike Edgefield, South Carolina's **Martin W. Gary**, who served under Hampton in the Civil War and who masterminded the paramilitary strategy that put Hampton in the governor's chair that year, Hampton's **Bourbonism** still held room for restraint—"force without **violence**," in his phrase—and for racial accommodation, if nothing like political or social equality. Such rhetoric drew some **African Americans** to the conservative cause, while doing little to restrain white **gun clubs** eager to settle scores and reassert dominance. Still, Hampton was the veteran, the glorious war hero, and the Democratic candidate for governor, making him responsible for the violence and terrorism that murdered and intimidated African American citizens in the state. The

former officers of his Confederate Hampton Legion led and directed the Red Shirt campaign across the state. Republican dedication and willpower, devoid of support from Washington, were no match for the planning, brutality, and thoroughness of Hampton's campaign. Carpetbag governor **Daniel H. Chamberlain** disputed the state's election results, but his cries fell on deaf ears. With the so-called **Compromise of 1877** taking effect, Hampton and his ilk regained power in the spring of 1877.

Once in power, Hampton and his cronies (many of whom were high-ranking Confederate veterans and landholders) displayed little in the way of political vision. They threw Republican appointees out of state offices, began opulent prosecutions of Republican officials, developed a more onerous crop lien law in 1878, and established provisions for more restrictive fence laws. By the time Hampton was sent to the U.S. Senate in 1879, he had done much to reestablish planter hegemony in South Carolina and turn back the clock on race relations. For the state's black and white agricultural working class, Hampton's success set the stage for much meaner times ahead. *See also* Agriculture; Black Troops (U.S.C.T.) in the Occupied South; Bourbons; Civil Rights; Congressional Reconstruction; Disfranchisement; Jim Crow Laws; Military Reconstruction Acts; Presidential Reconstruction; Race Riots; Scandals; Sharecropping; U.S. Army and Reconstruction.

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Vernon Burton

### Hancock, Winfield Scott (1824–1886)

A professional army officer, Hancock commanded troops in **Louisiana** during Reconstruction. A native of Pennsylvania, Hancock was born in Montgomery Square to a respected attorney and his wife. He graduated from the U.S. Military Academy at West Point, New York, in 1844, ranking eighteenth of twenty-five cadets. Serving in the infantry, Hancock saw frontier service, fought in the Mexican War, and subsequently returned to duties in the West.

In the Civil War, Hancock clearly enunciated his devotion to the Union, supported the **Democratic Party**, and established an excellent record as a leader in battle. He fought at the battle of Antietam (1862) and was especially notable for his gallant stand against "Pickett's Charge" at the battle of Gettysburg (1863), where he was badly wounded. By the end of the war, he was accorded a hero's status in the North and was one of only five major generals in the regular army in 1866.

When Congress passed the **Military Reconstruction Acts** over the president's veto in 1867, President **Andrew Johnson** sought innovative ways to oppose the **Radical Republicans'** program. Following Hancock's lackluster

showing in an Indian campaign in Kansas, President Johnson assigned him to command the Fifth Military District (Louisiana and **Texas**) in November 1867. Johnson knew that Hancock openly identified with the Democrats, and preferred that to some officers who had held command before him, such as **Philip H. Sheridan** and Joseph A. Mower, who had been linked to the Republicans.

As Johnson had hoped, Hancock seized the opportunity in Louisiana to try to reverse the policies of Sheridan and Mower, in the process highlighting his affiliation with the Democrats. Seeking to improve their personal, political, or economic standing, Louisiana politicians entered and left political office at a dizzying rate, giving Hancock numerous opportunities to appoint replacements to vacant positions; most of his appointees were Democrats. He also eased out some Republican officeholders put in by his predecessors. Mindful that Sheridan and Mower had favored Republican policy by putting **African American** men on juries, Hancock set aside the policy. Knowing that Republicans favored voter registration for black males, Hancock discouraged them. President Johnson was pleased with Hancock's service in the Fifth District.

On November 20, 1867, Hancock issued his hallmark political statement, embodied in his General Order No. 40. Announcing that whenever possible civilian officials' decisions should take priority over military rulings, Hancock's General Order No. 40 undercut military government authorized in the congressional Military Reconstruction Acts and his own authority in supervising the operation of local, county (parish), and state governments. Democrats had castigated federal generals who carried out the Military Reconstruction Acts and tilted to the Republicans; now they sang the praises of Hancock and his General Order No. 40.

Hancock's actions naturally came to the attention of General **Ulysses S. Grant** in Washington, D.C. Determined to halt how Hancock had undercut the process of Reconstruction, Grant drew an imaginary protective line around the Republican city council of New Orleans, headquarters of the Fifth District. When Hancock wanted to replace some of the councilmen, Grant blocked the move, prompting Hancock to seek a transfer out of Louisiana. Grant gladly accommodated his request.

Hancock was significant as a Reconstruction commander for several reasons. The general spoke or acted for many conservative army officers (such as George Meade) who opposed Republican Reconstruction policies. Hancock's heroic status and his steps to slow or turn back Reconstruction in Louisiana even earned him some discussion as the Democratic nominee for president in 1868. Despite his evident opposition to the national policy embodied in the congressional Military Reconstruction Acts, Hancock was not punished, demoted in rank, or sent to isolated outposts because of his actions in Louisiana. To the contrary, he remained in the army for the rest of his life as a major general, and commanded military departments appropriate for an officer of his rank.

In the postwar years, Hancock made no secret of his presidential aspirations. He might have made a good choice for the Democrats to counter the Republicans' nomination of General Grant for the **election of 1868**, and

likewise could have pitted his creditable military record against the incumbent in 1872. Instead, the Democrats eschewed the war hero and placed their hopes on New York governor **Horatio Seymour** and newspaperman **Horace Greeley**, respectively, neither of whom had served in the military during the war. Hancock was again passed over in 1876, this time for New York governor **Samuel Tilden**, who was also not a veteran. Hancock was finally nominated for president by the Democrats in 1880, narrowly losing the election to the Republican nominee, **James A. Garfield**, a former Union volunteer general. Hancock remained on active duty until his death at Governors Island, New York. *See also* Black Suffrage; Congressional Reconstruction; Elections of 1876; Republicans, Liberal; U.S. Army and Reconstruction.

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*Joseph G. Dawson III*

### **Hayes, Rutherford Birchard (1822–1893)**

Rutherford B. Hayes, nineteenth president of the United States, was born in Delaware, Ohio, the posthumous son of Rutherford Hayes and Sarah Birchard Hayes. Brought up by his mother and wealthy uncle, Sardis Birchard, he was educated at Kenyon College and Harvard Law School. After practicing law with his uncle in what is now Fremont, Ohio, he moved to Cincinnati where he became a successful attorney and served as city solicitor from 1858 to 1861. In politics, he was an antislavery Whig who defended fugitive slaves.

In 1852, Hayes married Lucy Ware Webb of Chillicothe, with whom he had eight children, seven boys and one girl, of whom five survived. The marriage could not have been happier, and for some forty years, she was the mainstay of his life and furthered his temperance views.

During the Civil War, Hayes established an estimable record, particularly as colonel of the Twenty-third Ohio Volunteer Infantry Regiment, both in **West Virginia** and the Shenandoah Valley. Wounded several times, he rose to the rank of major general. Elected as a Republican to Congress in 1864, he refused to give up his military service while the war was still going on; he did not take his seat in the House of Representatives until late in 1865. A Republican but not an extremist, he opposed President **Andrew Johnson**, and in 1867, was elected governor of Ohio, though the legislature fell to the **Democratic Party**. Reelected two years later, he sought to retire in 1872, but was prevailed upon to try again for Congress that fall, and suffered his only electoral defeat. In 1875, however, he managed to defeat the inflationist William Allan for governor, thus winning an unprecedented third term.

At the 1876 Cincinnati Republican National Convention, the leading candidates—**James G. Blaine**, **Oliver Morton**, and **Roscoe Conkling**—because of their rivalries, were unable to muster majorities. Hayes became the compromise candidate for the Republicans in the **election of 1876**. William

Wheeler of New York was his running mate on a platform pledging equal rights for all, including women, speedy resumption of specie payments, and the separation of powers, while accusing the Democrats of sympathy for rebellion. Because of the corruption during General **Ulysses S. Grant's** presidency, Hayes's reputation for honesty made him an attractive candidate.

Hayes's opponent was New York governor **Samuel J. Tilden**, who had established a record as a reformer by smashing the notorious **Tweed Ring** in his state. With two such candidates, the election was bound to be close, and the result was one of the most disputed elections in American history. Although most of the southern states had already been "redeemed" by the conservatives and Democrats, in **Florida, South Carolina, and Louisiana**, there were still Republican claimants. Visiting statesmen from both parties descended upon these states to influence the returning boards that had power to annul dubious votes, and these commonwealths sent in two returns, so that Hayes had 165 undisputed electoral votes, and Tilden had 184. For election, 185 were necessary so that 20 disputed votes (one was disputed in Oregon because of a technicality) would decide the outcome. The Republicans, who controlled the Senate, maintained that the presiding officer of that body ought to decide which votes were legitimate, but the Democrats, in control of the House, demurred. The result was the appointment of a Joint **Electoral Commission**, consisting of three Republican and two Democratic senators, three Democratic and two Republican representatives, and one Republican and one Democratic **Supreme Court** justice, with an independent justice, presumably **David Davis**. Davis, however, was elected a Democratic senator from Illinois and thus refused to serve. His substitute was Justice Joseph P. Bradley of New Jersey, a Republican, who sided with his party, so that the commission, by a party vote of 8 to 7, decided for Hayes, with 185-184 electoral votes.

The Democrats were naturally dissatisfied with this decision and threatened to filibuster to prevent the inauguration of their opponent. This outcome was prevented by a series of deals involving Republican promises to southern ex-Whigs of economic aid, especially to the Texas Pacific **Railroad**, as well as agreements to withdraw the remaining federal troops from southern state houses. Thus, Hayes was inaugurated on March 5, although he lacked a popular majority (4,300,590 were cast for Tilden, and 4,036,298 for Hayes). Yet, he always believed he had been honestly elected because any number of black voters were denied the vote in the three states and would have given him **Mississippi** as well.

The Hayes presidency was controversial from the beginning—opponents called him "your fraudulency" or "Rutherfraud." Instead of appointing any of his rival candidates to the **cabinet**, he chose reformers such as William Evarts, who had defended Andrew Johnson, and **Carl Schurz**, who had bolted in 1872 with the formation of the **Liberal Republicans**, as well as a southerner, David M. Key. This annoyed the **Stalwarts** without winning over their opponents, the Half Breeds. Hayes's most controversial action was his withdrawal of the federal troops from the southern state houses. Accused of thereby ending **Congressional Reconstruction**, he actually had little choice in the matter, as President Grant had already made the first moves. Personally

devoted to black welfare and **civil rights**, he sought promises from southerners to treat **African Americans** well, a promise that was soon forgotten after **Daniel H. Chamberlain** had to give up the governorship of **South Carolina** and **Stephen B. Packard** that of **Louisiana**. To the end of his life, however, Hayes actively supported black **education** by work with the Slater Fund and the Peabody Foundation. In addition, he vetoed several Democratic attempts to repeal the **Enforcement Acts** by riders to appropriation bills.

His other problem was civil service reform. Bitterly opposed by regular Republicans, this change was introduced in some departments, particularly in Carl Schurz's Department of the Interior, but it encountered real difficulty in New York, where **Roscoe Conkling**'s machine sought to resist efforts to remove its supporters in the Customs House. For more than a year, the Senate refused to confirm Hayes's appointment of successors to Collector Chester A. Arthur and naval officer Alonzo B. Cornell, until Hayes finally prevailed.

His final difficulty was the economic problem created by the **Panic of 1873**. Confronted with railroad strikes in the summer of 1877, Hayes finally sent federal troops upon the request of various state governors. These did not have to go into action, but the measure has been criticized as an antilabor policy by the administration. At the time, however, it was considered perfectly justified, and not until the turn of the century did the Theodore Roosevelt government adopt a more equitable attitude toward strikes. Always opposed to inflation, in 1878, the president unsuccessfully vetoed the Bland-Allison Act for the coinage of silver, but kept the purchase at a minimum and was gratified by the resumption of specie payments in 1879. The panic lifted during the later years of his administration.

Always having advocated a one-term presidency, Hayes was not a candidate for reelection, but his administration had been successful enough to make possible the victory of **James A. Garfield** as his successor. Hayes enjoyed a lengthy retirement devoted to his favorite causes, such as help for black education. He died at Fremont in 1893. *See also* Compromise of 1877; Redemption; Scandals.

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*Hans L. Trefousse*

### **Holden, William Woods (1818–1892)**

William Woods Holden was **North Carolina provisional governor** under President **Andrew Johnson**'s plan of Reconstruction and Republican governor during **Congressional Reconstruction**. Holden was the illegitimate son of Thomas Holden and Priscilla Woods; he lived with his father and his wife until at age seventeen he became a typesetter on a Raleigh newspaper. In 1843, with the aid of friends, he became editor and proprietor of the *North Carolina Standard*, the organ of the state **Democratic Party**. Holden quickly

developed the *Standard* into a powerful statewide newspaper, and his political influence grew in the same proportion. As the Democratic Party consolidated its power in North Carolina during the 1850s, Holden became its dominant figure and supported the southern rights cause. In 1858, he sought his party's nomination for governor but was defeated by John W. Ellis, which created a division in the party. After **Abraham Lincoln's** election in 1860, Holden led the constitutional Union or moderate party that advocated a "wait and watch" policy toward the antislavery president. The Union party in February 1861 checked the secessionist effort to take the state out of the Union, but after Fort Sumter and Lincoln's call for troops to suppress the rebellion, Holden reversed his position and called on North Carolinians to resist the president's "gross usurpation" of power. He served as a delegate to the state convention in May that took North Carolina out of the Union and into the Confederate states.

### *The Civil War*

Holden soon violated his own plea that the state's citizens declare a holiday on political divisions until southern independence had been won. By 1862, he was bitterly criticizing the state Democratic and Confederate administrations for discriminating against old Union men in their military appointments and other policies. The adoption of conscription by the **Jefferson Davis** government gave Holden additional cause for denouncing Confederate authorities. Holden organized the Conservative Party in 1862, and secured the nomination and election of young Zebulon B. Vance as governor. When Holden organized a peace movement in the state in mid-1863, staunch Confederates charged that he was giving aid and comfort to their enemies and encouraging desertions from the army, charges that he denied. In early 1864, he proposed that a state convention meet to seek peace in cooperation with other southern states. He also announced his candidacy for governor against Vance, who had broken with Holden over war issues. Vance easily won the election.

### *As Provisional Governor*

One month after the war, President Andrew Johnson appointed Holden provisional governor of the state to launch the process of civil reorganization under his lenient plan of Reconstruction. As required by Johnson, Holden called a state convention to invalidate the secession ordinance, abolish slavery, and repudiate the Confederate debt. He achieved these tasks, but he used his office to deny presidential **pardons** to his old political enemies, including former governors Zebulon B. Vance and William A. Graham. When elections were held in the fall of 1865 for the new state government, Holden ran for governor against **Jonathan Worth**, the candidate of the Vance-Graham faction. After he lost in a close election, Holden became upset when Johnson failed to sustain him against those whom he characterized as unrepentant rebels. Though still professing support for the president, by late 1866, Holden could see that the Republican Congress had prevailed in the struggle over Reconstruction policy.



### *Holden and Congressional Reconstruction*

When Congress passed the **Military Reconstruction Acts** in early 1867, Holden cast his lot with the Republicans and, through the columns of the *Raleigh North Carolina Standard*, assisted in the organization of the party in the state. He argued that North Carolinians must put the Civil War behind them, accept the new political reality in the nation, and save the state from further ruin. Holden announced his acceptance of black **civil rights** and **suffrage**, the promulgation of a new state constitution recognizing the changes, and the ratification of the **Fourteenth Amendment** to the **U.S. Constitution**—all requirements by Congress before North Carolina could be readmitted to the Union. In April 1868, Holden, with a large number of blacks and white dissidents voting for him, was elected governor by a vote of 92,235 to 73,593 over his Conservative (Democratic) Party opponent; Republicans also won control of the General Assembly and the other state offices.

### *Republican Governor and White Resistance*

In July, Holden took the oath of office as governor and military rule was ended, but the efforts of the Republican administration to advance progressive policies like a comprehensive system of public **education** for both races soon went awry. A large majority of the white citizens, encouraged by Vance and Graham, never accepted the legitimacy of the new biracial political order headed by Holden. Conservatives seized every opportunity to discredit the Republicans. The overextension of state aid to complete the statewide **railroad** system and the **scandals** associated with it offered a fertile field for their attacks, though Holden was never directly implicated in the wrongdoing. However, it was the threat that Republicans posed to white supremacy that aroused white North Carolinians to employ intimidation and **violence** against the Holden regime.

By 1869, violent bands known generically as the **Ku Klux Klan** had emerged in the state. Governor Holden's first response to the threat was to issue proclamations calling on the people to assert themselves and suppress Klan activity. This approach did not work. In late 1869 and early 1870, Klan violence intensified, and Holden secured the passage of a bill that gave him the authority to proclaim a state of insurrection and call out the **militia** whenever local authorities were unable to protect the citizens. Holden, however, drew back from using the poorly organized militia, consisting primarily of blacks. In February 1870, Wyatt Outlaw, the leading black Republican in Alamance County, was murdered by the Klan. Holden declared the county in a state of insurrection and asked President **Ulysses S. Grant** for troops. Grant refused to intervene and advised the governor to use his own resources to put down the lawless elements. The approaching election in August for seats in the General Assembly and for the state's attorney general insured that the violence would not abate.

The final straw for Holden occurred in May, when John W. Stephens, a Republican state senator, was killed in the Caswell County courthouse while a meeting was going on upstairs. The governor raised a force of 670 men in western North Carolina under the command of Colonel George W. Kirk, who had commanded a Union regiment in the area during the Civil War, and

dispatched it to Alamance and Caswell Counties with orders to suppress the Klan. Not a shot was fired in the so-called **Kirk-Holden War**, though minor incidents occurred, including the partial hanging of three suspected Klansmen in an attempt to extract information. More than one hundred Klansmen were arrested and confined pending military trials. Holden refused to honor writs of habeas corpus issued by state chief justice Richmond M. Pearson, though the constitution of 1868 drawn up by the Republicans provided that this right could not be suspended. The Klan attorneys appealed to the federal district court, which stunned Holden by issuing the writs. The governor then appealed to President Grant, who advised him to honor the decision and deliver the prisoners to the regular courts for trials, which he did.

### ***Defeat of Holden and the Republicans***

The reaction to the Kirk-Holden War and the military arrests helped defeat the Republicans in the August 1870 election. With a two to one majority in the General Assembly, during the late fall, the Conservatives moved to impeach and remove Holden from office. In his annual message to the General Assembly, Holden, assuming a conciliatory tone, indicated that “peace and good order” had been restored, and he was therefore revoking his insurrection proclamations for Alamance and Caswell Counties. He promised to cooperate with the legislature in measures “to promote the prosperity and happiness of our people.” The time for conciliation, however, had passed. On December 19, the House of Representatives voted eight articles of **impeachment** against the governor, most of which charged him with raising an illegal military force and wrongfully directing it to arrest and hold suspected Klansmen. Holden answered the charges by claiming that he had acted to protect the citizens of the state from “insurgents,” and he had intended to surrender the Klansmen to the regular courts after order had been restored. On March 22, 1871, the North Carolina Senate rendered its verdict: Holden was found guilty and removed from office, the first governor in American history to suffer this indignity.

After a brief period of “exile” in Washington to escape possible court action against him, Holden returned to Raleigh in 1872. The next year, President Grant appointed him postmaster of Raleigh, but his support of Grant for the Republican nomination in 1880 led to his removal from office in 1881 by President **James A. Garfield**. Although he made peace with many of his old political foes, including Vance, Holden spent his post-Reconstruction years attempting in vain to obtain a reversal of the impeachment verdict. In North Carolina historical lore, he is the villain of the Reconstruction era. *See also* Amnesty Proclamations; Black Suffrage; Readmission; Redemption.

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*William C. Harris*

## House Judiciary Committee

The U.S. House of Representatives has the constitutional responsibility to impeach federal officials if necessary. During Reconstruction, many people wanted President **Andrew Johnson** impeached because they disagreed with his policies. The House of Representatives referred all resolutions pertaining to the **impeachment of Andrew Johnson** to its Judiciary Committee, whose members were to conduct investigations to determine whether Johnson had actually done the things of which he was accused. If he had, the committee was to determine whether these were in fact impeachable offenses.

The Judiciary Committee, as of January 1867, consisted of nine lawyers. Four of them were **Moderate Republicans**, including committee chairman James F. Wilson (Iowa), Frederick E. Woodbridge (Vermont), Daniel Morris (New York), and Francis Thomas (Maryland). **George S. Boutwell** (Massachusetts), Thomas Williams (Pennsylvania), Burton C. Cook (Illinois), and William Lawrence (Ohio) were **Radical Republicans**, while Andrew J. Rogers (New Jersey) was the only member of the **Democratic Party**.

Although there had been considerable talk about impeachment previously, on January 7, 1867, Republican **James M. Ashley** (Ohio) was the first to introduce a resolution to impeach the president. The committee began secret investigations immediately. The issues under investigation included whether Johnson had improperly corresponded with former Confederate president **Jefferson Davis**, had sold offices, had made illegal appointments of **provisional governors** in the South, had improperly taken money from the U.S. Treasury, and had illegal dealings with some **railroads**. Several **cabinet** members and Judge Advocate General Joseph Holt answered the committee's summons to serve as witnesses, as did the controversial detective Lafayette Baker, and several disappointed office seekers. However, none of these witnesses produced much relevant information and the committee reported that the investigation should be continued.

Because the new Congress took their seats on March 4, 1867, several members of the Judiciary Committee changed. Republican John C. Churchill (New York), and Democrats Charles A. Eldredge (Wisconsin) and Samuel S. Marshall (Illinois) replaced Morris, Rogers, and Cook. The reorganized committee continued fishing for some impeachable private or political offense that Johnson might have committed. Witnesses testified about Johnson's veto messages, **pardons**, appointments, the **New Orleans riot**, the government's failure to try Jefferson Davis, and other issues. However, the committee still could find no impeachable offense and voted to adjourn on June 3, 1867. Although they soon met again, on June 26, the committee had to report that they could not have an impeachment charge ready before the next congressional session. Johnson added fuel to the impeachment fire in August when he suspended Secretary of War **Edwin M. Stanton** and removed army district commanders **Philip H. Sheridan** and **Daniel E. Sickles**. When the committee met, for a fourth time, in November 1867, they finally recommended impeachment by a narrow 5 to 4 vote. Wilson, Woodbridge, Eldredge, and Marshall opposed impeachment. Williams, who wrote the majority report, charged Johnson with a number of offenses, including pardoning traitors,

causing the New Orleans riot, and defying Congress. Although Wilson and Woodbridge believed that Johnson had done the things charged, they did not agree that these were impeachable offenses.

On December 5, 1867, Boutwell introduced the impeachment resolution in the House. Many of the members believed that Johnson could not be impeached unless he had committed an indictable crime. Because there was no evidence that Johnson had done so, the members defeated the resolution by a vote of 108 to 57.

Johnson soon did something else to provoke impeachment sentiment. In February 1868, he removed Stanton from being secretary of war, allegedly in violation of the **Tenure of Office Act**. John Covode (Pennsylvania) quickly presented an impeachment resolution to the House. This time, however, the House bypassed the Judiciary Committee and referred the resolution to the **Joint Committee on Reconstruction**, chaired by Radical Republican **Thaddeus Stevens**. When presented by the committee to the House, this resolution to impeach Johnson passed on February 24, 1868, and the impeachment proceedings began. The Judiciary Committee as a whole had no further involvement with Johnson's impeachment and trial, although Wilson, Boutwell, and Williams served as **impeachment managers**. *See also* Amnesty Proclamations; Congressional Reconstruction; Presidential Reconstruction; Recusants; U.S. Constitution.

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*Glenna R. Schroeder-Lein*

### Howard, Oliver Otis (1830–1909)

A Union general during and after the Civil War, Oliver Otis Howard served during Reconstruction as commissioner of the War Department's **Bureau of Refugees, Freedmen, and Abandoned Lands**, commonly known as the Freedmen's Bureau. Although Howard was genuinely committed to black **education** and to the economic advancement and **civil rights** of **African Americans**, his record as Freedmen's Bureau commissioner was one of mixed success.

#### ***Background and Civil War Years***

Howard was born on November 8, 1830, in Leeds, Maine. His father died when Howard was young, and his mother, who remarried, encouraged his education. He attended Bowdoin College during the late 1840s and graduated in 1850. Lacking immediate career prospects, Howard received an appointment to the U.S. Military Academy at West Point, secured for him by an uncle in Congress, despite Howard's initial lack of enthusiasm for a military career. He graduated in 1854, and decided to remain in the military. After fighting the Seminoles in **Florida**, Howard returned to West Point as an instructor in 1857. While in Florida, Howard had undergone a religious conversion experience and became an avowed Christian, and he served as an informal chaplain at

West Point. By 1860, he contemplated leaving the military for the ministry, but the outbreak of the Civil War convinced him to stay in the army. During the war, Howard earned the sobriquet "Christian General" for his religious zeal.

In spring 1861, Howard was commissioned a colonel of Maine volunteers, and he resigned his regular army commission. By that autumn, he had achieved the rank of brigadier general, and during the next two years he participated in nearly all the major battles of the Army of the Potomac. He lost his right arm during the Peninsula Campaign of spring 1862, but soon returned to command and fought at Antietam, Fredericksburg, Chancellorsville, and Gettysburg. Howard was promoted to major general of volunteers in November 1862, but he was largely responsible for the disastrous Union defeat at Chancellorsville in May 1863. The following fall, Howard was transferred to the western theater, and he participated in the 1864 Atlanta campaign. Union general **William T. Sherman** subsequently named Howard to command the Army of the Tennessee in Sherman's campaign through **Georgia** and the Carolinas, and at the end of the war, Howard was made a brigadier general in the regular army.

#### *Howard and the Freedmen's Bureau*

Also following the Confederate surrender, Secretary of War **Edwin M. Stanton** offered Howard the position of commissioner of the recently created Freedmen's Bureau. Building upon wartime relief and freedmen's aid efforts, and recognizing the need for a federal agency to oversee the South's transition from slavery to freedom, in March 1865, Congress had created the Freedmen's Bureau as a branch of the War Department. Howard's missionary sense of purpose, antislavery credentials, and distinguished combat record, along with the fact that the Freedmen's Bureau would be staffed largely by army personnel, made Howard a leading candidate for the commissioner's job. Further strengthening his prospects was Stanton's belief that Howard would be able to work with both religious and secular reformers in reconstructing the South. President **Abraham Lincoln** had not indicated his choice for bureau commissioner before his **assassination**, but Stanton believed Howard's qualifications made him acceptable to President **Andrew Johnson**, who approved the appointment. Choosing again to remain in the military, Howard became Freedmen's Bureau commissioner in May 1865.

Howard faced a number of challenges in his position. Congress had bestowed upon the bureau a daunting task. It was responsible for implementing free labor in the South, distributing federally controlled land to the freedmen, establishing schools, providing aid and relief to wartime refugees and to the destitute of both races, maintaining systems of public health, adjudicating disputes and securing justice, and providing many other essential services in the war-ravaged South. To fulfill these tasks, the bureau initially received no fiscal appropriation of its own and was chronically understaffed. Despite its broad mandate, moreover, the bureau was generally regarded as temporary, causing many white southerners and other opponents to resist its authority.

Howard himself reflected the contradictions of the bureau's mission to remake southern society. Recognizing that the former slaves required some

form of assistance while emerging from centuries of servitude, he also subscribed to nineteenth-century free-labor ideology, which emphasized individual initiative and the supremacy of the capitalist marketplace, and he feared the creation of a class of permanent dependents. Howard also displayed an almost naive faith in human nature, and he often seemed oblivious to the machinations of Reconstruction politics, in which he, as head of the controversial Freedmen's Bureau, was inevitably embroiled.

### *Struggles with President Johnson*

Perhaps Howard's greatest challenge was President Johnson's opposition to the Freedmen's Bureau. Subscribing to an essentially conservative vision of Reconstruction, Johnson did not foresee a fundamental overturning of southern society, and he believed that the Freedmen's Bureau represented an unconstitutional expansion of federal authority. In particular, Johnson objected to the bureau's mandate, as defined by Congress, to make available to freedmen the abandoned and confiscated land that various federal agencies had controlled at the end of war and that had been transferred to the Freedmen's Bureau. Although Johnson's **Amnesty Proclamation** of May 1865 restored almost all property rights to pardoned ex-Confederates, the legal status of bureau-held land remained unclear, and in late July, Howard drafted an order instructing bureau agents not to return such land to its former owners, even to those who had secured presidential **pardons**. This order was never officially promulgated, but Johnson objected to it and directed Howard in September to issue a second order rescinding the first and specifying that bureau-controlled land be returned to pardoned former Confederates. Although some freedmen gained title to a portion of this land, most of it was eventually restored to its former owners.

Johnson also resorted to other tactics, both overt and subtle, in his war on the Freedmen's Bureau. He pressured Howard to dismiss assistant commissioners (heads of the bureau in the southern states), such as **Rufus Saxton of South Carolina**, who were too radical in their political views and who advocated too strongly the interests of the freedmen. In a move that contributed to the break between Johnson and congressional Republicans, in February 1866, Johnson vetoed the **Freedmen's Bureau Bill**, which authorized extending the bureau's existence beyond the originally imposed one-year time limit (after the end of hostilities). That spring, Johnson also ordered an official investigation clearly intended to discredit the bureau. Congress subsequently passed two laws in July continuing the bureau for another two years (overriding a second veto) and providing it a separate appropriation. Despite these difficulties, and despite his beliefs that Johnson had subverted the will of Congress and had undermined the mission of the Freedmen's Bureau, especially on land restoration, Howard never offered his resignation as bureau commissioner in protest.

### *End of the Freedmen's Bureau and Post-Bureau Years*

Notwithstanding the many challenges it faced and the numerous disadvantages it suffered, the Freedmen's Bureau under Howard dramatically

improved the lives of thousands of freedmen and indigent whites during the immediate postwar years. With passage of the **Military Reconstruction Acts** in 1867, however, the bureau lost much of its independent identity within the War Department, and Howard relinquished most of his authority to the military district commanders. As southern states gained **readmission** to the Union, the bureau surrendered most of its responsibilities to the civilian governments, although Congress enacted one final law extending the bureau until after the **elections of 1868**. At the end of that year, the bureau ceased all operations except for its educational work and the securing of black veterans' bounty claims, which continued until 1872, when the bureau was finally closed.

Education had been of particular importance to Howard, and he was instrumental in Congress's 1867 chartering of historically black Howard University in Washington, D.C., which was named after him. He served as president of the school from 1869 until 1873 (while still bureau commissioner) and continued to be involved in its affairs for the rest of his life. Although the school was not affiliated with the Freedmen's Bureau, an accident during its construction resulted in an 1870 congressional investigation that exonerated Howard but found much inefficiency and misappropriation of funds within the bureau. Moreover, irregularities surrounding the paying of veterans' bounties led to a military court of inquiry in 1874 that again absolved Howard of wrongdoing. That same year, the **Freedman's Savings and Trust Company** (the Freedman's Bank) failed, a victim of poor oversight and the financial **Panic of 1873**. Although not officially part of the Freedmen's Bureau, the bank was closely identified with it, and the bank's demise further clouded Howard's and the bureau's reputations.

In 1874, Howard returned to active duty in the Pacific Northwest, and he led the 1877 campaign that captured Chief Joseph and the Nez Perce Indians. He served briefly as superintendent of West Point during the early 1880s, was promoted to major general in 1886, and held several other commands until his retirement in 1894. Howard settled in Burlington, Vermont, and remained active in religious and educational endeavors. He published his autobiography in 1908, and he died on October 26, 1909, in Burlington, where he was buried. *See also* Agriculture; American Indians; American Missionary Association (AMA); Black Codes; Black Troops (U.S.C.T.) in the Occupied South; Cabinets, Executive; Churches; Civil Rights Act of 1866; Congressional Reconstruction; Contracts; Democratic Party; Eaton, John; Edisto Island, South Carolina; Field Order No. 15; Freedmen's Relief Societies; Grant, Ulysses S.; Labor Systems; Port Royal Experiment; Presidential Reconstruction; Republicans, Moderate; Republicans, Radical; Sharecropping; Southern Homestead Act; Trumbull, Lyman; U.S. Army and Reconstruction; Vagrancy.

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*John C. Rodrigue*

### Humphreys, Benjamin Grubb (1808–1882)

Born on August 26, 1808, in Claiborne County, **Mississippi**, Benjamin Grubb Humphreys was one of thirteen children. He attended preparatory schools in both **Kentucky** and New Jersey. He was admitted to West Point in 1825, but after a Christmas frolic that turned into a student riot, he was expelled in May 1827.

Back in Mississippi, Humphreys studied law and assisted his father in managing the family's home plantation, the Hermitage. He married his first wife, Mary McLaughlin, in 1832, and together they established a home on the Big Black River. Three years later, his wife died and Humphreys and his children (Mary and Thomas) returned to his father's plantation.

An antebellum Whig, Humphreys was elected as an "Independent" to the lower house of the state legislature in 1837. Two years later, he served a term as state senator. After that, he retired from politics and devoted himself to his agricultural interests, his second wife, and their growing family. Reentering politics in the crisis atmosphere of 1860, he ran unsuccessfully as an outspoken Unionist candidate for Mississippi's secessionist convention. Once the state had cast its lot with the Confederacy, however, Humphreys raised a company of volunteers and entered the Confederate service.

First, as a captain and later as regimental commander, Humphreys's Twenty-first Mississippi Infantry served in **Virginia** as part of William Barksdale's Mississippi brigade. Compiling a distinguished record in the field, he replaced Barksdale in command of the brigade after the latter's death at Gettysburg. Humphreys was promoted to brigadier general the following month. His command, then, accompanied **James Longstreet** to **Georgia** and **Tennessee** and was under Jubal A. Early in the Shenandoah Valley in 1864. Wounded at Berryville in 1864, he spent the remainder of the year recovering, but just before the war's end, he was appointed to the command of a new, experimental unit composed exclusively of slaves. The conflict concluded, however, before his command was tested under fire.

Returning to Mississippi, Humphreys quickly involved himself in the post-war politics of the state. Following under President **Andrew Johnson**'s restoration system, he was elected governor on October 2, 1865, with a vote of 19,036. Other antebellum Whigs won all of Mississippi's congressional elections, as well as the majority in the state legislature. He received a presidential **pardon** from Andrew Johnson three days later. Humphreys saw himself as a voice of moderation and reunion. However, he was forced to defend the state's newly enacted **Black Codes** in public as well as the state's growing reputation for racial **violence**. Conditions in Mississippi, conflict with the military governor, and the emergence of **Congressional Reconstruction** resulted in the physical removal of Humphreys from the governor's office by federal soldiers.

Humphreys essentially retired from elective politics after 1868, but he became a respected leader in Mississippi's new Conservative Party. He returned to his plantation, Lucknow, outside Port Gibson, where he practiced law and dabbled in the insurance business. He died there in 1882. *See also* Military Reconstruction Acts; Presidential Reconstruction; U.S. Army and Reconstruction.



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*Martin J. Hardeman*

### Hunnicut, James W. (1814–1880)

James Walter Hunnicutt, Baptist minister, newspaper editor, Unionist, and **Radical Republican**, was born in **South Carolina** in 1814. Despite his South Carolina birth, Hunnicutt called **Virginia** home for most of his life. In 1848, Hunnicutt launched the *Christian Banner* newspaper in Fredericksburg, Virginia. As its editor, he exhibited an acerbic temperament and a penchant for controversy that made his paper a popular read in his adopted community. During the secession crisis and Civil War, however, Hunnicutt's opinions clashed with the town's pro-Confederate majority. His outspoken unionism ultimately forced Hunnicutt to flee Fredericksburg in the summer of 1862. Confederate defeat brought Hunnicutt home, and he quickly became the state's leading Radical Republican.

The Civil War halted publication of the *Christian Banner*, but failed to silence its editor. In October 1865, he launched the Richmond *New Nation* newspaper, which he used to criticize President **Andrew Johnson's** conciliatory Reconstruction policy. Early the following year, he was among the southern Unionists who testified before Congress's **Joint Committee on Reconstruction**. Hunnicutt's testimony reaffirmed his disdain for the Confederacy and its leaders. Such testimony showed Congress the depth of opposition to Johnson's policy. Hunnicutt believed the president's strategy placed Virginia's restoration in the hands of former Confederates who mistreated blacks and white southern Unionists.

His defense of blacks' **civil rights** defined Hunnicutt's Reconstruction career. Through the *New Nation*, Hunnicutt advocated **black suffrage** as well as the redistribution of occupied lands to blacks. His commitment to these issues distinguished the editor as the most radical Republican in Virginia, and strained his relationship with his **Moderate Republican** colleagues. As the party worked to establish a solid organization in Virginia, it had to shift its focus from cultivating northern support to seeking local backing. Hunnicutt had strong support among the **African American** population and more urban areas where many northern migrants congregated, but in the countryside, white Virginians viewed his ideas with little enthusiasm.

The conflict within the party came to a head in 1867. Drawing upon his broad support among black Virginians, Hunnicutt sought the Republican nomination for governor in the 1868 election. In April, a convention dominated by Hunnicutt and his black supporters drafted a radical platform that shocked Moderate Republicans. A second convention in August undermined Republican unity, leading the moderates to do whatever they could to undermine Hunnicutt's candidacy. His failure to secure the party's nomination began a steady decline of Hunnicutt's political influence. The editor's efforts

to include a provision **disfranchising** former Confederates in the state's new constitution later that year sealed his political fate.

In 1868, Hunnicutt's opponents strove to silence him publicly for good. Months of pressure forced the *New Nation* out of business. Renewed factional fighting among the Republicans in the early 1870s sparked a brief comeback and one last run for public office, but Hunnicutt failed in what became his final bid for public office. Smarting from that defeat, Hunnicutt retired to Stafford County to live out his final years peacefully at home. He died in 1880. *See also* Congressional Reconstruction; Presidential Reconstruction; Republicans, Liberal; Scalawags.

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## Impeachment Managers

The impeachment managers were, in effect, the prosecution at the Senate trial of President **Andrew Johnson**. Chosen from their peers in the House of Representatives, these men were expected to take the eleven Articles of Impeachment and convince the U.S. Senate that these offenses warranted conviction and removal from office.

The House selected seven Republicans to serve as managers. The chair was **John A. Bingham** of Ohio. The most vocal and extreme of the managers were **Thaddeus Stevens** of Pennsylvania and **Benjamin F. Butler** of Massachusetts. Other members were former general John A. Logan of Illinois, **George Boutwell** of Massachusetts, Thomas Williams of Pennsylvania, and James F. Wilson of Iowa. All presented solid Republican credentials, as there was no need for neutrality here; although charges of partisanship will forever taint the impeachment vote and the Senate vote, the impeachment managers were deliberately selected to present a powerful, convincing case against Johnson.

This they did not do. The trial, which began on March 30 and lasted until May 26, 1868, represented an unprecedented event in American political history, so the managers had no training or guidelines to follow. Although every manager was in fact a lawyer, questions and disagreements over how to proceed led to dissension in the team, and a poor showing at the trial. Stevens, the most forceful and famous of the seven, had become seriously ill (he never did recover) and this deprived the committee of his contribution; most orations and arguments were left to Representative Butler, who many found as antagonistic as Stevens, but without his talent or passion. Newspapers spoofed his performance almost daily, and even pro-Republican presses called for a replacement. The managers also called witnesses, although the nature of the charges left little of fact unknown and provided no real rationale for witnesses.

The managers frequently called for changes in rules and objected to various components of Johnson's defense counsel's tactics.

Many forces converged to undercut the manager's case against Johnson: The articles of impeachment were themselves weak, especially those hinging upon the dubious **Tenure of Office Act**. The Senate trial was presided over by Chief Justice **Salmon P. Chase**, who accommodated no horseplay or antics; he was neutral, or even pro-Johnson, in his interpretations of the rules of order, so the managers received no assistance from him. Johnson's five-man defense counsel was exceptional, boasting two former attorneys general (**Reverdy Johnson** and Henry Stanbery) and a former **Supreme Court** justice (Benjamin R. Curtis).

Managers and defense counsel presented their final statements in the last week of April and first week of May. Voting was scheduled for May 12, 1868, but was postponed until May 16. Managers and other Republicans watched in horror as the Senate acquitted Johnson of Article XI by a vote of 35 to 19, one vote shy of the two-thirds necessary for conviction. Voting commenced on Article II on May 26, with exactly the same result. The managers had failed to convince the Senate that President Johnson was guilty of "high crimes and misdemeanors." The Senate as high court adjourned, and the position of impeachment manager evaporated.

Benjamin Butler, however, was not finished. Butler, and perhaps other managers, thought the result impossible and the margin too curious. Certain that Johnson was acquitted as a result of foul play, Butler convinced the House to allow the managers to act as an impromptu investigating committee. They charged that Republican senators had been bribed for their votes, and especially targeted **Edmund Ross** of Kansas (even though his moderate leaning was well documented). Butler issued subpoenas, called witnesses, interviewed scores of people, and even confiscated bank records, telegrams, and mail. In the end, he was unable to find any evidence of bribery. *See also* Black, Jeremiah Sullivan; Congressional Reconstruction; Democratic Party; House Judiciary Committee; Joint Committee on Reconstruction; Presidential Reconstruction; Recusants; Republicans, Radical; Schofield, John M.; Stanton, Edwin M.; Thomas, Lorenzo; U.S. Constitution.

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*Richard Zuczek*

### **Impeachment of Andrew Johnson (1868)**

A three-year struggle between President **Andrew Johnson** and the **Moderate** and **Radical Republicans** in Congress over the extent and direction of Reconstruction culminated in 1868 with the impeachment of the president. The Republican Party was dedicated to protecting the **civil rights** of the newly freed **African Americans** and preventing the ex-Confederates from

reassuming power in the South. Johnson's strict constructionist view of the **U.S. Constitution**, his determination to prevent a social revolution in his native South, and his desire to build a new Conservative Party from a coalition of white southerners, northern Democrats, and Conservative Republicans led to a clash with Congress.

### *Conflicting Reconstruction Policies*

In May 1865, Johnson announced his plan for restoring the southern states to the Union. Like his predecessor **Abraham Lincoln**, he wanted a lenient peace, and, also like his predecessor, he offered a blanket **pardon** for virtually all former rebels. The ex-Confederate states then needed only to organize **constitutional conventions** where they would renounce secession, repudiate all debts incurred during the war, and **abolish slavery**. Elections for state and national offices would follow, the new legislatures would ratify the **Thirteenth Amendment**, and the restoration process would end with the **readmission** of the states.

Initially, many conservative Republicans in Congress supported the president's plan. However, when the former Confederate states established restrictive laws known as the **Black Codes** to hold the former slaves in subordinate economic and social positions and elected former Confederate military and civilian leaders to Congress, the Radical wing of the party convinced other Republicans that the president's plan had to be modified.

Congress refused to seat the former rebels sent to Washington and established a **Joint Committee on Reconstruction** to study the situation in the South. Wanting to play an active role in reconstructing the South, Congress passed two bills in 1866 to support the freedpeople. The **Freedmen's Bureau Bill** expanded the agency's operations, and the **Civil Rights** bill extended citizenship to blacks and essentially nullified the Black Codes. Not only were these measures resisted by white southerners, they were resisted by Johnson as well. He viewed them as unnecessary and unconstitutional, and he vetoed both. Congress overrode his veto of the civil rights bill and subsequently passed another Freedmen's Bureau bill. Johnson, however, was determined that the chief executive would control the restoration of the South. When Congress passed the **Fourteenth Amendment** granting black citizenship, nullifying the Black Codes, and restricting the political influence of ex-Confederates, he urged the southern states to not ratify the measure. Johnson and Congress pleaded their cases to the northern public in the **elections of 1866**. The Republicans won a huge majority in both houses of Congress and assumed control of the Reconstruction process.

Stunned by the white South's obstinacy, Congress passed the **Military Reconstruction Act** in March 1867. It organized loyal governments in all former Confederate states except **Tennessee**, which, having ratified the Fourteenth Amendment in 1866, was regarded as reconstructed. The ten remaining states were divided into five military districts, each headed by a major general in the **U.S. Army**. The major general supervised the registration of voters, including blacks. These voters would select delegates to participate in constitutional conventions where they would write new constitutions providing

for **black suffrage** and barring ex-Confederates from holding state and federal offices. Only when a state had ratified its new constitution and the Fourteenth Amendment would the process of political reorganization be complete. Johnson vetoed this Military Reconstruction Act and also two subsequent acts designed to clarify and strengthen it. The Republican majority in Congress overrode his vetoes easily. However, under his authority as commander in chief and in an effort to slow or redirect the congressional intent, Johnson appointed conservative officers, such as **Winfield Scott Hancock**, to command the military districts.

### *Congress versus the President*

While many Radical Republicans called for Johnson's removal, their conservative and moderate colleagues sought to curtail his power through two laws of questionable constitutionality. A provision of the Army Appropriations Act of 1867 required the president to issue all orders to army commanders through the general in chief of the army, **Ulysses S. Grant**. The Radicals hoped Grant could exercise a controlling influence over Johnson, but the most direct challenge to presidential authority was the **Tenure of Office Act**, which authorized an official appointed with the Senate's consent to remain in office until that body approved a successor. Ostensibly intended to protect **patronage** offices, the law, in reality, was designed to prevent the removal of Secretary of War **Edwin M. Stanton**, a Radical in Johnson's inherited **Cabinet**. Johnson vetoed the Tenure of Office Act, but signed the Military Appropriations bill in order to fund the army, despite its command provisions.

Even with these attempts to restrict Johnson's impact on Reconstruction, the president retained a considerable capacity to obstruct congressional efforts. As commander in chief, he appointed conservative generals to administer the five military districts, and as chief executive he could interpret the Reconstruction Act narrowly in terms of its enforcement. Radicals recognized Johnson's intent and advocated his removal from office. Their first **impeachment** effort occurred in January 1867, when the House passed a resolution authorizing the **House Judiciary Committee** to investigate the possibility. However, Moderates dominated the committee and saw no reason for such an extreme step. While Radicals claimed that the president's thwarting of congressional legislation constituted a misuse of power and was, therefore, grounds for impeachment, Moderates insisted that the president could only be removed from office for committing indictable crimes.

Perhaps encouraged by this, Johnson took advantage of a loophole in the Tenure of Office Act, which permitted the president to remove and appoint officials while the Senate was in recess. Once reconvened, the Senate would then decide to support or reject the president's actions. Johnson waited until Congress adjourned and suspended Stanton in August 1867. He then persuaded Ulysses S. Grant to assume the position of interim secretary of war. Johnson surmised that Grant's status as a war hero would prevent the Radicals from forcing the general's removal. Grant had urged the president not to suspend Stanton, but he accepted the appointment, perhaps hoping to curb Johnson's influence with the military. However, Grant could not prevent

Johnson from removing generals sympathetic to the Radical agenda and replacing them with conservatives or Democrats who would stymie their efforts. According to Republicans in the press, in Congress, and across the South, these moves encouraged white southern resistance to **Congressional Reconstruction**. This time, the Radicals in the House were able to force a vote on impeachment. In December 1867, the House defeated the measure 108 to 57.

### *Johnson's Overt Challenge*

Congress had reconvened, and now the Senate had to decide to reject or uphold Johnson's suspension of Stanton. If the Senate opposed the president's action, then Johnson planned to challenge the constitutionality of the Tenure of Office Act in the courts. To do this, however, he needed Grant's cooperation. Johnson believed he had secured Grant's word to remain as interim secretary regardless of the Senate decision; yet when the Senate rejected Johnson's rationale for Stanton's suspension, Grant vacated the office, and turned it back to its former occupant. Johnson charged the general with bad faith. A bitter exchange of letters between the men headlined the front pages of newspapers as Grant proclaimed he would not violate the act.

Foiled in his attempt to use Grant's prestige to rid himself of Stanton, the president challenged Congress headlong by *removing* Stanton (not suspending him), this time while the Senate *was in session*. He nominated Adjutant General **Lorenzo Thomas** as interim secretary of war. An uproar erupted in Congress, and when Republican senators urged Stanton to ignore the order, he barricaded himself in the War Department and refused to leave.



Cartoon from *Frank Leslie's Newspaper* of the formal notice of the impeachment of Andrew Johnson, 1868. (Courtesy of the Library of Congress.)



### *1868: Impeachment and Trial*

Johnson's obvious disregard of the terms of the Tenure of Office Act convinced even Moderate Republicans that he would oppose all congressional requirements in the Reconstruction process. Therefore, on February 24, 1868, the House voted to impeach the president along a strict party-line vote of 126 to 47. So eager were the Republicans to remove Johnson that they voted to impeach the president before drawing up formal charges. The House then created a committee of prosecutors known as **impeachment managers** that included Radicals such as **Thaddeus Stevens**, **George Julian**, **Benjamin Butler**, John Logan, and **George Boutwell**.

The House promptly produced eleven articles of impeachment. The first eight dealt with Johnson's attempt, in violation of the Tenure of Office Act, to remove Stanton and to appoint a successor without the Senate's consent. The ninth article charged Johnson with trying to persuade the army commander in the **District of Columbia** to violate the command provisions of the 1867 Army Appropriations bill (**Command of the Army Act**) by accepting orders directly from the president. The tenth article accused the president of harboring resentment against Congress, and the final "omnibus" article essentially drew together all the charges of the previous ten.

The Senate trial began March 30, 1868, and continued with interruptions for two months. This protracted process worked in the president's favor by cooling the passions that had climaxed with his attempted removal of Stanton. Johnson's defense counsel included some of the leading lawyers in the country: **Henry Stanbery**, the attorney general; William M. Evarts, a future attorney general under Johnson and secretary of state under President **Rutherford B. Hayes**; and Benjamin R. Curtis, a former justice of the **Supreme Court**. During the trial, these men demonstrated a good deal more legal acumen than did the House's **impeachment managers**. Johnson's team based its defense on three arguments: that a government official can be impeached only for criminal offenses that would be indictable in ordinary court; that Johnson had committed no crime by seeking to remove Stanton and testing the constitutionality of the Tenure of Office Act; and that because the act applied only to cabinet officers "during the term of the president by whom they may have been appointed," it did not apply to Stanton, who had been appointed by Lincoln.

The impeachment managers challenged this line of defense, asserting that because Johnson was serving out Lincoln's term, the Tenure of Office Act did cover Stanton. To allow the president to disobey a law to test it in court would set a dangerous precedent. Finally, whether or not Johnson was guilty of any crime, impeachment was a political rather than criminal process. Regardless of the charges, everyone understood that Johnson was being tried for his three years of relentless opposition to the Republican Reconstruction program.

Although Moderate Republicans abhorred Johnson, many feared his removal would pave the way for future parties with a two-thirds congressional majority to remove any president who disagreed with their proposals. The constitutional balance of power would be destroyed. Moderates also distrusted radical **Benjamin Wade**, president pro tem of the Senate and next in

line for the presidency. Using intermediaries, Johnson and the Moderates worked toward an understanding. The president gave no more speeches or interviews denouncing Congress, and he promised to enforce the Military Reconstruction Acts. Johnson also appointed the highly respected general **John M. Schofield** as secretary of war.

On May 16, 1868, the Senate voted on the eleventh article of impeachment, 35–19. All twelve Democrats and seven Moderate Republicans voted against conviction and removal. With a two-thirds majority needed to remove the president from office, Johnson had been saved by one single vote. Votes on articles 2 and 3 on May 26 ended in the same result, forcing the impeachment managers to concede defeat. As these were the most legitimate and valid articles, failure to reach conviction on these left the others irrelevant.

Nonetheless, Johnson continued to defy Congress by vetoing Reconstruction bills and criticizing congressional Reconstruction efforts. Congress continued to pass the acts over his objections, and while the process frustrated both parties, the constitutional balance between the president and Congress had been preserved. The nation had survived a serious challenge to the stability of its government. *See also* Bureau of Refugees, Freedmen, and Abandoned Lands; Canby, Edward Richard Sprigg; Disfranchisement; Elections of 1868; Pope, John M.; Presidential Reconstruction; Recusants; Ross, Edmund G.; Sheridan, Philip H.; Sickles, Daniel E.

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*John D. Fowler*

**Indians.** *See* American Indians.



# J

## **Jenkins, Charles J. (1807–1883)**

Best known as the first elected governor of **Georgia** after the Civil War, Charles Jones Jenkins was also the last governor to take residence in the governor's mansion in Milledgeville, Georgia.

### *Antebellum Georgian*

Charles Jones Jenkins was born on January 6, 1805, in Beauford District, **South Carolina**. He moved with his family to Jefferson County, Georgia, in 1816. Jenkins completed his undergraduate education at Union College in New York and later studied law with John Berrien of Savannah, Georgia. He was elected to the Georgia House of Representatives in 1830. The following year in 1831, he became attorney general of the state of Georgia. Jenkins was often the Speaker of the House when the **Democratic Party** was in the majority in the legislature and remained active in the legislature during the period between 1836 and 1850.

He also became well known in political circles in Georgia as the author of "The Georgia Platform," a proclamation issued by a special state convention that supported the Compromise of 1850 and was particularly opposed to acts of Congress that would abolish slavery. The Compromise of 1850 included legislation by Congress that addressed issues including slavery and territorial boundaries that developed after the Mexican-American War (1846–1848). Jenkins became a state senator in 1856 and later, during the Civil War, he was appointed by Governor **Joseph E. Brown** as a justice of the Georgian Supreme Court.

### *Conservative Reconstruction Governor*

In June 1865, President **Andrew Johnson** appointed James Johnson **provisional governor** of Georgia. The Reconstruction of Georgia was initiated by a convention held in Milledgeville, Georgia, in October 1865. Charles Jones Jenkins worked with Herschel V. Johnson to manage this convention of nearly 300 delegates. Johnson acted as the presiding officer while Jenkins held the office of chairman of the committee on business. Jenkins's active participation in this body of legislation and in the efforts to restore Georgia to the Union allowed him to be viewed as the only viable candidate for the governorship of Georgia.

Jenkins was unanimously supported by the convention and on December 14, 1865, was inaugurated as governor-elect. The provisional governor, James Johnson, was not officially removed until five days later. Jenkins immediately began working to resolve the state budget crisis and address other issues of restoration including the ratification of the **Thirteenth Amendment** to the **U.S. Constitution**. Jenkins's tenure as governor of Georgia was between 1865 and 1868. During this time, he was able to resolve the state budget and restore the Western and Atlantic **Railroad**. Jenkins also persuaded the Georgia legislature not to ratify the **Fourteenth Amendment** in November 1866, which Republicans required for **readmission** to the Union. The rejection of this amendment by every former Confederate state except **Tennessee** was the beginning of the end of Andrew Johnson's program, and with it Georgia's conservative efforts toward Reconstruction.

In 1867, the U.S. Congress revoked the legitimacy of the governments in most of the southern states under the **Military Reconstruction Acts**. The southern states were divided into five military districts. **Alabama**, **Florida**, and Georgia were all placed in the Third Military District. Southern states were expected to pay various debts of the war and this caused uproar among many of the legislative bodies in these states. Governor Jenkins traveled to Washington, D.C., to enter a petition before the **Supreme Court** for an injunction against the enforcement of the Reconstruction Act that authorized military control in his state. Jenkins also refused to have Georgia pay the state funds that were ordered by the federal government for a **constitutional convention**. He protested the federal government's mandate that \$40,000 in state funds be used to pay for this convention. Some accounts report that Jenkins protested payment for this convention because it was racially integrated; other accounts note that Jenkins believed that the proceedings were illegal and was concerned about Georgia's recently stabilized budget.

With his refusal to pay for this convention, Jenkins was removed from office in January 1868. The military reconstruction of Georgia was supervised by General **John M. Pope**, who installed General Thomas H. Ruger as military governor in 1868. **Rufus B. Bullock** was appointed provisional governor of Georgia in January 1868 and was inaugurated as the official governor in July of the same year. Jenkins fled the state, and took records of the governor's office along with the seal of the executive department. He also removed state funds and deposited the funds into a New York bank account. Jenkins toured Europe and later fled to Nova Scotia until Reconstruction fervor died down in Georgia,

in 1872. He returned to Augusta, Georgia, in the early 1870s, and gave all of the state property in his possession to then governor James M. Smith.

### *Post-Gubernatorial Career*

Jenkins was a popular governor because of his resistance to **Congressional Reconstruction** during his tenure. In 1872, he received two Electoral College votes for the vice presidency of the United States because of the death of the **Liberal Republican** candidate, **Horace Greeley**, who had been endorsed by the **Democratic party**. For a while, Jenkins retired to private life and did not reenter politics until 1877, when he became the chair/president of the Georgia Constitutional Convention that year. Jenkins also became president of the Board of Trustees of the University of Georgia. Charles Jones Jenkins died on June 14, 1883. Jenkins County, Georgia, was named in his honor in 1905. *See also* Amnesty Proclamations; Black Codes; Disfranchisement; Presidential Reconstruction.

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*Kijua Sanders-McMurtry*

## **Jim Crow Laws**

Following the Civil War, and with it the **abolition of slavery**, a large body of custom and law developed across the South that was meant to regulate relations between **African Americans** and whites. They were collectively referred to as Jim Crow, a term taken from the name of a popular prewar minstrel character that appeared in blackface. While their main aim was to enforce racial segregation, Jim Crow also represented a pervasive—and invasive—system designed to remind black southerners of their inferiority. It prevented them from marrying across racial lines, attending the same schools as whites, and accessing on an equal basis all manner of public services and facilities. These codes placed humiliating restrictions on blacks throughout their lives, and even after their deaths, as southern cemeteries were segregated as well.

### *Origins*

While precursors to Jim Crow can be found in the prewar North and in the treatment of free blacks in the South before the Civil War, the postwar system's origins lay in Reconstruction. It was in the tumult and confusion of this period that its early outlines are visible, as the people of the South struggled to establish a new racial order to replace slavery. White southerners greatly resented slavery's end and during **Presidential Reconstruction**, when they

controlled the South, sought to return blacks as close to slave status as possible through the **Black Codes**. These laws restricted blacks to working as agricultural laborers or domestic servants, and even permitted their arrest if they refused to work for whites. Both blacks and their white supporters in the North, especially **Radical Republicans** in the U.S. Congress, vigorously opposed the Black Codes. The Radicals worked to guarantee blacks citizenship and equality through the **Civil Rights Act of 1866** and soon thereafter through the **Fourteenth Amendment** to the **U.S. Constitution**, which Congress required the southern states to ratify before they would be allowed to reenter the Union.

### *Informal Segregation*

Despite the activities of Congress aimed at insuring racial equality in the South, informal segregation appeared in the region from the earliest days following the Civil War. In part, this de facto or customary segregation merely reflected the very real divide between the two races that had existed even under slavery, and persisted and even grew under freedom. During Reconstruction, many blacks proved eager to carve out for themselves an existence independent of whites. Most notably, blacks broke away from white-controlled denominations and established their own **churches**. They reunited their families, resisting attempts to keep black children under the control of former owners through forced apprenticeships. Many would have also established an independent black economy, with former slaves farming for themselves, except for their failure to obtain land during Reconstruction. Indeed, the priority of blacks during Reconstruction seems less to insist on racial integration, but simply on obtaining access to the public facilities and formal equality under the law.

A good example of informal segregation during Reconstruction was in **education**. Most places in the South did not have public schools prior to the Civil War. Hence, the priority of state and local governments during this period was to establish public school systems, and the main concern of black parents was to win their children access to public education. The integration of such schools did not appear to have been a significant concern. Both white and black parents seemed to have assumed their children would attend separate schools. In fact, of all the school systems that appeared in the South during Reconstruction, only the one in New Orleans is known to have integrated schools, and its experiment in interracial education came to an abrupt end in 1874, when the schools' operations were disrupted by white rioters.

### *Formal Segregation*

Despite the widespread existence of informal segregation, a formal—legally mandated—Jim Crow system did not appear until after Reconstruction. While black southerners apparently acquiesced to many forms of informal segregation during Reconstruction, as long as they had access to the public facilities and services they desired, they and their white allies during Reconstruction opposed formalizing segregation as a part of the law. Indeed, they fought for formal equality. The **Civil Rights Act of 1875** outlawed racial discrimination

under federal law in the access and use of trains, hotels, and other public facilities. Yet, to get this act through Congress, its supporters had to remove any effective enforcement provisions from the law. So it was never truly implemented and became invalid in 1883, when the **Supreme Court** ruled it unconstitutional.

So formal segregation—characterized by laws formally distinguishing between the races—started after the end of Reconstruction. The first state to enact such a statute was **Tennessee**, which segregated its railway cars in 1882. Under its **railroad** law, blacks were prohibited from riding in the first-class railroad cars even if they purchased a first-class ticket. Instead, they were forced to ride in the second-class car, which lacked comfortable amenities and where smoking was permitted. Other southern states quickly followed Tennessee's lead and through the 1880s and the decades that followed, enacted their own laws segregating railroads and other public facilities. These laws would be given the blessing of the Supreme Court in *Plessy v. Ferguson* (1896), where all but one justice ruled that racial segregation was constitutional as long as the facilities for whites and blacks were equal. The “separate but equal” doctrine provided a legal fiction that continued to justify the very real inequalities of Jim Crow in the U.S. South for the next six decades, until a reversal started in 1954 with the decision in *Brown v. Topeka Board of Education*.



Undated cartoon of Jim Crow. (Courtesy of the Library of Congress.)

### ***Extralegal Violence***

It should be noted that one other significant aspect of Jim Crow was established during Reconstruction. Racial segregation in the South ultimately was made possible not only by the law but also the willingness of white southerners to use extralegal **violence** to enforce it. The law and economic pressure kept most blacks subordinated, but for serious transgressions, beatings and even murder became the all-too-common response. Lynching, or extralegal execution, was the most extreme sanction meted out to those persons who violated Jim Crow. In the heyday of the practice, between 1889 and 1946, almost 4,000 black southerners met their end in lynching at the hands of white mobs. Although many of these resulted from alleged rape accusations, the horrible practice of lynching was a community's reaction to perceived violations of the larger context of Jim Crow—racial subordination and obedience.

Racial violence was nothing new in the South by the late 1880s. Indeed, it had been integral to the collapse of Reconstruction, when the **Ku Klux Klan**



and other violent groups terrorized blacks and their white allies in the South. Indeed, as tragic as these lynchings were in the Jim Crow South, they paled in comparison to incidents such as 1874's Colfax Massacre when nearly 300 black men defending the government seat of Grant Parish, **Louisiana**, were killed by a force of white paramilitaries, many after they had attempted to surrender. The only real difference in the violence was that during Reconstruction, it was used to destroy the experiment in biracial democracy, while afterward it was used to bolster white supremacy and the racist regimes that depended on it for their survival. So, in other words, extralegal violence was just another, if particularly gruesome, aspect of Jim Crow, which is first identifiable during Reconstruction. *See also* Disfranchisement; Enforcement Acts; Race Riots; Redemption; Tourgee, Albion Winegar; *United States v. Cruikshank*.

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*Donald R. Shaffer*

### **Johnson, Andrew (1808–1875)**

Andrew Johnson became the seventeenth president of the United States (1865–1869) following John Wilkes Booth's **assassination of Abraham Lincoln** on April 14, 1865. Johnson faced the immediate challenge of restoring the former Confederate states to the Union. His constitutional and social conservatism and ambition led to an immediate clash with congressional Republicans, and a savage political struggle over the Reconstruction process erupted. As a result, Johnson became the first U.S. president to be impeached, escaping conviction in his Senate trial when Republicans failed by one vote to garner the required two-thirds majority.

#### **Early Life**

Andrew Johnson was born in Raleigh, **North Carolina**, on December 29, 1808, the second son of Jacob and Mary McDonough Johnson. Andrew's parents were poor, illiterate, and landless laborers who worked for a local inn. When Jacob died shortly after Andrew's third birthday, Mary was left to eke out a living for the family as a seamstress and washerwoman. Unable to provide a future for her son, she apprenticed Andrew to James J. Selby, a tailor. It was in Selby's shop that the future president learned to sew and also to read. After five years with Selby, Andrew abruptly fled the community because an adolescent prank landed him in trouble with the law. He drifted about for several years before settling in Greeneville, **Tennessee**, in 1827. There, Johnson opened a tailor shop and shortly thereafter married Eliza McCordle. He earned a comfortable living, and eventually purchased a farm and a few

slaves. Andrew and Eliza had five children—two daughters, Martha and Mary, and three sons, Charles, Robert, and Andrew, Jr. (“Frank”).

### *Early Political Career*

Johnson’s burning ambition steered him into politics. In 1829, the twenty-year-old ran successfully for alderman, an office he won several times before being elected mayor of Greeneville in 1834 and several times afterward. Such early successes whetted Johnson’s appetite for higher offices. His local popularity and skillful campaigning gained him a seat in the Tennessee general assembly in 1835. Although at first an independent, Johnson was drawn to the **Democratic Party** by its support of the laboring classes and anti-elite ideology. He served as a representative from 1835 to 1837 and again from 1839 to 1841 before moving to the state senate. In 1843, he made the leap to national office when he was elected to the first of five consecutive terms in the U.S. House of Representatives. As a southern Democrat, he backed the party’s stance on limited federal spending, low tariffs, the annexation of **Texas**, and the subsequent Mexican War. Johnson also supported the institution of slavery. Although he owned a few slaves, most people in his home region of East Tennessee did not. Therefore, slavery was not a major issue to his constituents or to him, but, like many whites in his adopted region of Appalachia, Johnson resented the wealth and political power of the planter class. Always the champion of the lower classes, he sponsored a homestead bill granting poor white farmers free public lands. Although he guided the resolution through the House, it failed to attract enough support in the Senate.

In 1851, the Whig Party gained control of the Tennessee general assembly and subsequently gerrymandered Johnson’s old congressional district so that it contained a majority of Whig voters. Facing certain defeat in another bid for Congress, Johnson shrewdly opted to vie for the Tennessee governorship. In 1853, he won the first of two consecutive terms as the Volunteer State’s chief executive. As governor, he established a state library and a state-supported public school system. In 1857, the Tennessee general assembly selected him for the U.S. Senate. As a senator, Johnson directed most of his energy to securing his beloved homestead act. This time, he shepherded the bill through Congress only to have President James Buchanan veto the measure in 1860.

That year, the Democratic National Convention met in Charleston, **South Carolina**, to choose a presidential candidate. The Tennessee delegation offered Johnson’s name, but he could not muster enough votes for the nomination. Northern and southern Democrats divided over slave expansion in the territories and split into rival factions. While northern Democrats nominated Senator Stephen A. Douglas of Illinois for president, southern Democrats rallied behind Buchanan’s vice president, John C. Breckinridge of **Kentucky**. Fearful of disunion, Upper South states such as Tennessee supported the Constitutional Union Party’s candidate, John Bell. Bell’s appeal to Border State voters, coupled with the Democratic split, allowed the Republican candidate, Abraham Lincoln, to win the election handily.

In the wake of Lincoln’s victory, the Deep South threatened secession. Johnson delivered a powerful speech in the Senate on December 18, 1860,

denouncing disunion and declaring himself loyal to the United States. Two days later, his beloved Union dissolved as South Carolina seceded, quickly followed by the rest of the Deep South. In February 1861, Johnson gave another impassioned address against secession, and in the spring of that year, he returned to East Tennessee determined to prevent his home state from joining the exodus. He and other Unionists, including old political enemies such as Thomas A. R. Nelson and **William G. Brownlow**, rallied the state behind the Union. However, their efforts failed. In a June 1861 referendum, Tennessee joined the Confederacy, and Johnson fled his home to avoid capture by rebel authorities. He defiantly remained in the U.S. Senate, refusing to acknowledge Tennessee's decision. His devotion to the Union made him a northern celebrity and the chief spokesman for the so-called War Democrats who supported Lincoln.

By early 1862, federal forces had regained control of much of Middle and West Tennessee, and in March, President Lincoln appointed Johnson **military governor** of the state with the rank of brigadier general of volunteers. Lincoln hoped that Johnson's old popularity would enable him to restore civil government and hasten a return to the Union. Johnson believed that a handful of ardent rebels had coaxed the majority of the state's populace into seceding. In reality, however, the majority of Tennesseans actually supported the Confederacy and considered Johnson a traitor. For the next three years, the governor alternately punished and cajoled the state's rebels in an attempt to root out secessionist support.

Prior to the **election of 1864**, Republicans and War Democrats united to form the **National Union Party**. The fused party nominated Lincoln for president and Johnson as his running mate. Johnson was an expedient choice. He was a southerner, a leading War Democrat, and a devout Unionist. In November, the Lincoln-Johnson slate was elected in a huge Electoral College victory. Only six weeks after the inauguration, however, John Wilkes Booth assassinated Lincoln, thrusting Johnson into the presidency.

### ***President Johnson's Program of Restoration***

Andrew Johnson brought a wealth of experience to the office of the presidency, and he needed all his acumen to tackle the monumental tasks of restoring the Union, rebuilding the South, and determining the place of the former **African American** slaves in American society. Like Lincoln before him, Johnson favored a quick restoration with lenient terms. He formally recognized the Lincoln-sponsored governments of **Arkansas, Louisiana, Tennessee, and Virginia**, reconstructed under Lincoln's so-called Ten Percent Plan. Then, in May 1865, he issued two proclamations that outlined his Reconstruction plan. The first granted **amnesty** to most former Confederates, except certain groups such as prominent political and military leaders and those with more than \$20,000 in taxable property. Johnson required these men to apply to him directly for a presidential **pardon**.

The second proclamation dealt specifically with the restoration of **North Carolina** but became the model for the remaining unreconstructed states. Johnson appointed **provisional governors**—often native Unionists, such as

himself—and required that they organize state **constitutional conventions** where delegates would draft new constitutions to **abolish slavery**, repudiate state debts incurred under the Confederacy, and nullify ordinances of secession. Elections could then be held for state and federal officials. Once the new state legislatures ratified the **Thirteenth Amendment**, martial law would end, federal troops would be withdrawn, and the states could resume their place in the Union.

From the outset, white southerners attempted to manipulate Johnson's program. Some states refused to ratify the Thirteenth Amendment, others repealed rather than nullified their secession ordinances, and many balked at repudiating the Confederate debt. The new state legislatures also passed a series of laws known as the **Black Codes** to restrict black **civil rights**. Perhaps most brazen, the states elected high-ranking ex-Confederate civil and military leaders to political offices. Frustrated, Johnson decided to ignore such actions because he hoped to merge white southerners, northern Democrats, and conservative Republicans into a new national conservative party, led by him.

In December 1865, Congress refused to seat the new southern congressmen and created a **Joint Committee on Reconstruction** to study the situation in the South. Although Congress insisted on playing a role in the Reconstruction process, deep divisions riddled the Republican Party. **Radical Republicans**, the minority wing, advocated reducing the former Confederate states to territories to be administered by Congress. Additionally, they called for long-term **disfranchisement** of former Confederates, the imposition of **black suffrage**, the confiscation and redistribution of land to the freedpeople, and a federally supported **educational** system for the ex-slaves. The party majority, **Moderate Republicans** who wanted to secure basic civil rights for the blacks and prevent prominent ex-rebels from reasserting control of the South, stopped shy of political rights or land redistribution. Hoping to cooperate with the president, in 1866, the Moderates proposed two bills, one extending the life of the **Bureau of Refugees, Freedmen, and Abandoned Lands**, and the other voiding the Black Codes and providing civil protection and support southern blacks needed. Although both the **Freedmen's Bureau Bill** and the civil rights bill passed easily, the president shocked and angered Moderate Republicans by vetoing both. They responded by using their two-thirds congressional majority eventually to override Johnson's vetoes and formulate their own plans for Reconstruction.

### *A Growing Rift with Congress*

Republicans acknowledged that Johnson would never support their two goals of protecting the rights of southern blacks and preventing the ex-Confederates from returning to power in the South. Therefore, the Joint Committee on Reconstruction proposed the **Fourteenth Amendment** to the **U.S. Constitution**, which passed both houses of Congress in June 1866 and essentially became the Republican peace terms for the defeated Confederacy. To protect blacks, the amendment defined all native-born and naturalized persons as citizens and prohibited states from denying any person equal protection under



Cartoon showing Andrew Johnson as the deceitful Iago who betrayed Othello, portrayed here as an African American Civil War veteran. Includes scenes of slave auction, whites attacking African Americans in Memphis and New Orleans, and “Copperhead” and “C.S.A.” snakes wrapped around an African American man while Andrew Johnson and others watch, 1866. (Courtesy of the Library of Congress.)

the law. Also, while blacks were not granted **suffrage**, any state that withheld the vote from its adult male citizens would have its congressional representation reduced proportionally. This allowed the Republicans to prevent the former confederate states from increasing their congressional representation in the absence of the Three-Fifths Compromise. The Confederate debt was voided, and the amendment stipulated that any person who had taken an oath to uphold the Constitution and then supported the rebellion was now disqualified from federal and state offices (although a two-thirds vote by Congress could remove the disability).

For the amendment to become part of the Constitution, it needed a three-fourths vote of approval from the states, including some former Confederate states. Although white southerners knew implicitly that any southern state that ratified the Fourteenth Amendment would be restored to the Union, they resisted it. Johnson even discouraged the southern states from approving the amendment, claiming that it was unconstitutional because Congress had no right to demand ratification without the southern states being represented in Congress. To Johnson’s dismay, his home state of Tennessee ratified it in July 1866 and became the first Confederate state to reenter the Union.

Undaunted, Johnson embarked on a speaking tour of the northeastern and midwestern states to drum up support for his policies, influence the 1866 elections, and promote his new, conservative, **National Union Movement** and party. Although this **Swing Around the Circle**, as he called it, began favorably, he quickly encountered unruly and hostile crowds. The president made matters worse by engaging in arguments with hecklers and denouncing certain Republicans as traitors. Newspapers and cartoonists lambasted the president, while Radicals attacked both Johnson and his Democratic supporters as the true traitors to the Union.

Johnson found it impossible to convince the northern public that the ex-rebels were now eager to support the Union. Major race riots in **Memphis** (May) and **New Orleans** (July), coupled with the former Confederate states’ resistance to the Fourteenth Amendment, persuaded northern voters that Johnson’s policies could not be trusted to guarantee what many called the “fruits of victory.” As a result, Republicans achieved overwhelming victories in the **elections of 1866**.

As Johnson’s bid for a new conservative coalition collapsed, **Congressional Reconstruction** entered a more radical phase in which the Republicans

prepared to force the recalcitrant South into submission. The first step would be to coerce at least four of the unreconstructed states to adopt the Fourteenth Amendment. This would give Congress the needed number of votes to ratify the Amendment. However, since only Tennessee's legislature would cooperate, Congress debated measures to compel compliance.

Intense deliberation and compromise produced the **Military Reconstruction Act** in February 1867. Passed over the president's veto, the law declared that the ten Johnson-supported state governments were provisional and divided them into five military districts, each commanded by a major general. Congress granted the army authority to supervise the registration of all male voters, including blacks, but excluding whites who were barred under the Fourteenth Amendment. Once registered, voters would elect delegates to participate in state conventions where they would frame new constitutions providing for black suffrage. Once Congress approved the new constitutions, elections for state and national office would follow, and the new legislatures would be required to ratify the Fourteenth Amendment. Reconstruction would then end. Although the provisions of the Military Reconstruction Act fell far short of the restructuring of southern society sought by the Radicals, they did secure the Moderates' two key requirements of protecting black rights and preventing the former Confederates from returning to power.

### *Congressional Republicans Take the Offensive*

President Johnson remained obstinate, and used his constitutional authority as commander in chief of the armed forces to interfere with the Republican program. To curtail the president's power, Congress passed two statutes of questionable constitutionality. The **Command of the Army Act**, a provision of the 1867 Army Appropriations Act, required Johnson to issue all orders to subordinate army commanders through the general-in-chief of the army, **Ulysses S. Grant**. The Radicals hoped Grant could serve as a controlling force over Johnson's actions. The most direct challenge to presidential authority, however, was the **Tenure of Office Act**, which authorized an official appointed with the Senate's consent to remain in office until that body approved a successor. Ostensibly intended to protect **patronage** offices, in reality, the law was designed to prevent the removal of Secretary of War **Edwin Stanton**, a Radical in Johnson's inherited **cabinet**. Johnson vetoed the Tenure of Office Act and considered vetoing the Army Appropriations Act. However, he signed this bill, allowing the army to receive its funding, yet sent in a formal written protest to the Command of the Army provision.

Meanwhile, white southerners refused to succumb to congressional demands and fought to delay the registration of voters indefinitely. Congress passed the subsequent additions to the Reconstruction Act to close loopholes and strengthen the military's control of the process. Johnson was appalled at congressional efforts to enfranchise blacks while disfranchising the very southern whites he hoped to entice into a conservative coalition for the **election of 1868**. Becoming more and more unrealistic, he continued to maneuver around the congressional program. Despite Republicans' attempts to restrict Johnson's authority and power, as commander in chief he could

appoint conservative generals to administer the five military districts, and as chief executive he could interpret the Reconstruction Act narrowly in terms of its enforcement.

### *Johnson's Impeachment and Trial*

Radicals recognized Johnson's intent and advocated his removal from office. Their first attempt occurred in January 1867, when the **House Judiciary Committee** was authorized to investigate the possibility of **impeachment**. However, Moderates saw no reason to take such an extreme step. The Radicals launched another impeachment effort after Johnson suspended Secretary of War Edwin Stanton in August 1867 and replaced generals such as **Philip H. Sheridan** and **Daniel E. Sickles**, who energetically enforced the Reconstruction Acts. However, Moderates still balked on openly challenging the president and the constitutional balance of power. Since Johnson's suspension of Stanton occurred when Congress was in recess, it did not technically violate the Tenure of Office Act. Of course, Congress had to approve the suspension when it reconvened. In December 1867, the Radicals forced a House vote on impeachment, but without Moderate support, the resolution failed, 108 to 57. Johnson's subsequent actions, however, resurrected the specter of impeachment one last time.

The president was determined to rid himself of Stanton, test the Tenure of Office Act, and challenge congressional authority, and so removed the secretary of war completely in February 1868. Since the House and Senate were now in session, Johnson's actions violated the Tenure of Office Act and prompted another outcry for his impeachment. This time, the Moderates voted with the Radicals, and the House impeached Johnson by a party-line vote of 126 to 47 on February 24, 1868. House prosecutors, known as **impeachment managers** subsequently proffered eleven charges against the president, called "articles of impeachment." Eight dealt with his apparent violation of the Tenure of Office Act, while one accused the president of attempting to circumvent the army's chain of command in violation of the rider to the Army Appropriations bill of 1867. The tenth article accused Johnson of bringing Congress into disrepute with his public pronouncements, while the final article drew together charges from the previous ten. Johnson's able legal team claimed that he had committed no crime in testing the constitutionality of the Tenure of Office Act. They argued that even if the act was constitutional, it did not apply to Stanton, who had been appointed by Lincoln, not Johnson.

Once impeached, the issue then passed to the Senate for a formal trial, with the chief justice, **Salmon P. Chase**, presiding. If convicted, the president would be removed from office. Although Moderate Republicans abhorred Johnson, many feared a dangerous precedent: His removal could pave the way for future parties with a two-thirds congressional majority to remove any president who disagreed with them. The constitutional system of checks and balances could be destroyed. Moderates also distrusted radical **Benjamin Wade**, president pro tem of the Senate and next in line to the presidency (no one had replaced Johnson as vice president). Using intermediaries, Johnson and the Moderates worked toward an understanding. The president gave no more

speeches or interviews denouncing Congress, promised to enforce Reconstruction Acts, appointed the well-respected General **John M. Schofield** as the new secretary of war. On May 16, 1868, the Senate voted on the eleventh article of impeachment, 35 guilty to 19 not guilty. All twelve Democrats and seven Moderate Republicans voted against conviction and removal. With a two-thirds majority needed to remove the president from office, Johnson had been saved by a single vote. Votes on articles 2 and 3 on May 26 had the same result, leading the managers to concede defeat and adjourn the proceedings.

During his final months in office, Johnson did not adhere to the spirit of the accommodation, and continued to defy Congress by vetoing Reconstruction bills and delivering speeches critical of the Radicals. Congress, in return, largely ignored him, and routinely passed legislation over his vetoes. Politically crippled, Johnson naively clung to the hope that the **Democratic Party** would nominate him for president in 1868. While some northern Democrats supported Johnson's struggle against the Radicals, they accurately surmised he could not win the election. After twenty-two ballots, the party finally threw its support behind New York governor **Horatio Seymour**, leaving Johnson as a lame-duck president without a party or any real influence on national policy. The man who had won election to nearly every position in American democracy would never be elected to its highest office.

### ***Postpresidency: The Elder Statesman***

After leaving the White House in the hands of his successor, Republican Ulysses S. Grant (Johnson did not attend the inauguration), Johnson returned to Tennessee where he remained obsessed with politics. Unsuccessful attempts to land a congressional seat in 1869 and 1872 did not deter this lifelong politician. Finally elected to the U.S. Senate in 1875, Johnson became the only president to serve in the Senate after leaving the presidency. On March 5, 1875, during a special session of the Senate, he took his seat to the applause of many conservative senators. When the Senate recessed, Johnson returned to Tennessee and suffered a paralytic stroke four months later. He died on July 31, 1875, and was buried in Greeneville. Befitting his devotion to the Union, mourners wrapped Johnson in an American flag and placed a copy of the Constitution in his hand.

Johnson remains as enigmatic today as during his lifetime. A southern slaveholder, he risked his career, all his possessions, and even his life in support of the Union. A savvy and successful career politician, his skills and cleverness failed him when he needed them the most. Clearly racist and stubbornly conservative, it has been argued that his opposition directly contributed to Republican unity—and as a result, a much broader and more progressive Reconstruction program. Certainly a product of nineteenth-century southern mores, he was a man of principle who was blindly devoted to his definition of constitutional, democratic government. His ultimate legacy is yet to be determined. *See also* Democratic National Convention; Presidential Reconstruction; Race Riots; Recusants; U.S. Army and Reconstruction; Violence.

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*John D. Fowler*

**Johnson, Andrew, Impeachment of.** See Impeachment of Andrew Johnson (1868).

### **Johnson, Reverdy (1796–1876)**

Reverdy Johnson, a respected constitutional lawyer and defender of President **Andrew Johnson** during the latter's **impeachment** trial in the U.S. Senate in 1868, also served as minister to Great Britain from 1868 to 1869. Born in Annapolis, **Maryland**, Johnson was educated at St. John's College and studied law with his father. Admitted to the bar in 1815, he moved to Baltimore where he married, had fifteen children, and soon became a well-known lawyer. His political career began with his election to the Maryland state senate in 1821, and briefly included his service as President Zachary Taylor's attorney general. In 1845, Johnson was elected to the U.S. Senate where he served intermittently until 1869.

Johnson supported the Union during the Civil War, but he was also sympathetic toward the South. When the war ended, he urged the immediate **readmission** of the former Confederate states. During the war, he had at first opposed the bill creating the **Bureau of Refugees, Freedmen, and Abandoned Lands**, yet he later supported the **Fourteenth Amendment**. His most significant service during Reconstruction involved his role in the impeachment trial of Andrew Johnson, whose removal from office he opposed. Reverdy Johnson was a member of the committee that formulated the rules used by the Senate, and he opposed Senator **Benjamin Wade**'s presiding in a case from which Wade, as the president of the Senate, stood to gain; Were President Johnson removed, since there was no sitting vice president, Wade would become chief executive. An astute lawyer, Johnson also argued that removal from office only pertained if the president's acts were of a sort that would bring criminal prosecution in civilian courts. Moreover, he insisted that bills for impeachment and removal could never be based on speeches. The latter were protected by the First Amendment, assuring freedom of speech. Nor did Johnson think the **Tenure of Office Act**, which denied the president's right to remove Secretary of War **Edwin Stanton**, was valid. On these grounds, Reverdy Johnson was crucial in persuading several key senators to vote against the president's removal from office in the close vote that took place on May 16, 1868, and that led to Johnson's acquittal.

In 1868, President Johnson appointed Reverdy Johnson minister to Great Britain, where he negotiated the American claims against the British for their

role in the building of warships made in their shipyards during the Civil War and then transferred to the Confederacy. This Anglo-American disagreement had escalated beyond the claims of individuals to the argument that the British were responsible for prolonging the war. While Johnson was able to secure a treaty, he was unable to secure an apology or any expression of regret from a stubborn British government. The Senate rejected the treaty and only later in the administration of **Ulysses S. Grant** were these so-called “Alabama claims” (named for the most infamous British-built raider) satisfactorily resolved.

In 1869, Johnson returned to Baltimore, where he continued to practice law and argue cases before the **Supreme Court** until his death in 1876. *See also* Cabinets, Executive; Congressional Reconstruction; House Judiciary Committee; Impeachment Managers; Presidential Reconstruction.

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*Jean H. Baker*

### Joint Committee on Reconstruction

By a 133 to 36 vote in December 1865, Congress asserted its constitutional role in and responsibility for Reconstruction through the establishment of the Joint Committee on Reconstruction. The committee’s task was to investigate and report on conditions in the former Confederate states. Since May of that year, the eleven southern states had been under the authority of President **Andrew Johnson**’s proclamations defining his Reconstruction program. Congress had not been in session since March, but even before it convened in December, many Republican members had decided to challenge if Johnson’s approach was the proper way to “reconstruct” the Union—and how such could happen without a congressional voice.

In December, Congress faced a choice. It could accept the president’s verdict that the states were ready to resume their place in the federal system, and thus that the southern states’ congressional representatives should take their seats in the House of Representatives and the Senate. This step would end federal power over the states and place southern states’ internal affairs off-limits to Congress. Congress’s other option—one employed earlier during **Abraham Lincoln**’s attempt at **Presidential Reconstruction**—was to refuse to seat the southerners under Article I, Section 5 of the Constitution. That provision gave Congress power to rule on the qualifications of its own members. Congress chose the latter, and excluded the representatives of the former Confederate states when the clerk of the House, Edward McPherson, called roll on December 4, 1865. Then, the two houses of the national legislature took their first active step to formulating a counterprogram to Johnson’s, by forming the Joint Committee of Fifteen on Reconstruction.

The committee, proposed by Pennsylvania representative **Thaddeus Stevens**, a member of the **Radical Republican** faction in the party, was created by concurrent resolution. It was composed of nine members from the House

and six from the Senate. Three were from the **Democratic Party**, and the rest were Republicans. The majority of the committee were **Moderate Republicans**, including its chair, the respected Maine senator **William Pitt Fessenden**. Other Republican members included **John Bingham** of Ohio, **Roscoe Conkling** of New York, and **George Boutwell** of Massachusetts; among the Democrats was **Reverdy Johnson** of Maryland.

During the early months of 1866, the committee listened to witnesses who spoke both of the postwar problems and successes in the South, especially those related to the newly freed **African Americans** and their northern supporters and to southern whites who had opposed the war or who now cooperated with the federal government after the conflict. Most testimony pointed to harassment and mistreatment by southern whites who opposed federal authority, black freedom, and any form of equal **civil rights**. With exceptions, testimony painted a picture of an unrepentant South, a place still obsessed with slavery and secession.

The committee's final report, issued in June 1866, reflected this picture as it reviewed the situation in each of the eleven states and made recommendations. Despite Johnson's December 18, 1865, speech announcing the readiness of the states to reestablish themselves in the Union, the multipart report argued the need for further and more thoroughgoing reconstruction. It found civil rights to be unsecured and stable government and equal representation to be missing; those who had led the rebellion had been elected to lead the South once again, while loyal southerners were denied their **suffrage** (the right to vote). The report accepted the idea of "forfeited rights," that is, the southern states had never left the Union but through their actions, they had forfeited their political rights in it. These rights could be restored only through congressional, not presidential, action.

The testimony the committee heard motivated it to do more than report. It framed the **Fourteenth Amendment** in the spring of 1866 as relations between Congress and the president and, in particular, between Radicals and Johnson deteriorated. The president alienated Moderates when he vetoed both the **Civil Rights Act** and the **Freedmen's Bureau Bill** proposed by the Senate Judiciary Committee, chaired by Moderate **Lyman Trumbull** of Illinois. Through significant compromise, a final version of the amendment was framed to address the problem of black citizenship and rights and to settle other issues troubling congressional Republicans, including status of the Confederate debt, the growth of southern political strength following the demise of slavery and its three-fifths clause, and the selection of ex-Confederates for political office in the South. The amendment was submitted to the states that summer. Committee member John Bingham proposed making ratification a guarantee of **readmission**; Radicals, hesitant about limiting their opportunity for remaking the South and protecting blacks and the party, prevented the expression of this or any other explicit formula for readmission.

The committee was reconstituted in late 1866, but Stevens's efforts to have it continue even longer failed in the next session. Overwhelming Republican victories in the **elections of 1866**, and growing party unity brought on by President Johnson's obstinacy, made the committee superfluous. Congress

itself would assume directly the responsibility for Reconstruction. *See also* Amnesty Proclamations; Congressional Reconstruction.

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*Claudine L. Ferrell*

### Joint Select Committee on the Conduct of the War

The Joint Select Committee on the Conduct of the War was a technically bipartisan though heavily **Radical Republican** committee, made up of three senators and four members of the House of Representatives. Congress established the committee in December 1861 in response to Union military failures, especially the recent defeat at Ball's Bluff. The original committee members were Senators **Benjamin F. Wade** (Ohio, Republican), the chairman, **Zachariah Chandler** (Michigan, Republican), and **Andrew Johnson** (Tennessee, Democrat), as well as Representatives **George W. Julian** (Indiana, Republican), John Covode (Pennsylvania, Republican), Daniel Gooch (Massachusetts, Republican), and Moses Odell (New York, Democrat). When Johnson became **military governor** of Tennessee in March 1862, he resigned from the Senate and was replaced on the committee by Joseph Wright (Indiana), who was succeeded by Benjamin F. Harding (Oregon), and finally, Charles R. Buckalew (Pennsylvania), all Democrats. Later, when Covode ran for governor rather than for reelection to the House, he was succeeded by Benjamin F. Loan (Missouri, Republican) in January 1864.

Over the course of the war, the committee investigated many things, such as the causes of certain battle defeats, the behavior and competence of particular generals, alleged rebel atrocities after First Manassas (Bull Run) and Fort Pillow, and potential corruption in military supply contracts. A particular problem of the committee seemed to be zeal without knowledge. None of the committee members (with the exception of Loan at the end) had any military background whatsoever, nor did they think that they needed to learn anything about military realities. They believed that military success depended upon common sense and proper politics, so they opposed West Point-trained generals, particularly harassed generals who were members of the **Democratic Party**, such as George B. McClellan, and pushed the careers of Republican generals like John C. Fremont and **Benjamin F. Butler**, even after they had proved their incompetence. The committee also continually gave advice to President **Abraham Lincoln**, who followed their counsels only if they already suited his purposes.

While several of the committee's investigations were useful and may have improved the morale of the northern civilians and soldiers, the committee generally had a more negative effect. Their failure to understand the realities of warfare encouraged unrealistic ideas among the population about what a

general and an army might accomplish in a single battle. The committee's political emphasis encouraged factions rather than cooperation and unfairly damaged the reputation of several generals.

When Andrew Johnson became president following Lincoln's **assassination** in April 1865, Johnson's former committee colleagues were pleased because they expected him to be tougher about reconstructing the South than Lincoln seemed to be. Wade, Julian, and Chandler promptly visited Johnson, hoping to become his political advisors. However, when it became evident that Johnson would be even more lenient toward the South than Lincoln, Wade, Julian, and Chandler became some of his most outspoken enemies during Reconstruction. The Committee on the Conduct of the War permanently adjourned on May 22, 1865. The **Joint Committee on Reconstruction** was established on the same model in December 1865. *See also* Congressional Reconstruction; Presidential Reconstruction; U.S. Army and Reconstruction.

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*Glenna R. Schroeder-Lein*

### **Julian, George Washington (1817–1899)**

A leading Radical in the Republican Party, George Washington Julian was a constant reformer his entire life, championing many causes. Born in Centerville, Indiana, Julian was the fourth of six children of Rebecca Hoover and Isaac Julian, a county official. His father died in 1823, and Julian was raised by his devout Quaker mother. By eighteen, Julian began his legal studies and developed his interest in politics. In 1845, as a Whig, he was elected to the Indiana legislature. In the same year, he married Anne Elizabeth Finch; they had three children. Anne died in 1860, and three years later, Julian married the daughter of Joshua Giddings, Laura. They had two children. Laura died in 1884.

George W. Julian was a deeply religious man. William Channing's (1780–1842) writings led Julian to **abolitionism** and a host of other reforms. He believed that slavery was a moral evil and its existence retarded the civil liberties of speech and thought for all men. Julian's political pilgrimage was quite long. It was instructive of how theology and politics combined to influence the reforming attitudes of this Radical and his contemporaries.

His first destination after leaving the Whigs was the Free Soil Party. Julian endorsed the party's free soil, free labor, free men creed, which remained with him his complete life. Martin Van Buren as a Free Soiler was his presidential candidate in 1848. The next year, Julian was elected to the House of Representatives, where he opposed the measures collectively known as the Compromise of 1850, and especially the components related to the Fugitive Slave Act. This measure was a horror to him, and he even represented runaway slaves in the Indiana courts in the 1850s.

Early during the Civil War, Julian urged President **Abraham Lincoln** to see the conflict as an issue of slavery versus freedom. As a member of the powerful **Joint Select Committee on the Conduct of the War**, Julian worked for the

removal of General George McClellan from any leadership position. He welcomed the **Emancipation** Proclamation, which for him meant abolitionism had become a firm part of the Union war effort.

Julian's commitment to abolitionism was part of a larger vision of reform and social justice. His other foe was land monopoly and the preservation of the rural way of life. To that end, as chair of the Committee on Public Land, he pushed for the Homestead Act, which passed in 1862. He also wanted to confiscate the planter's land for the freed **African Americans**, who could work their own land. Displeased with President Lincoln's cautious policies, Julian nevertheless supported him for reelection in 1864.

From Julian's perspective, President **Andrew Johnson's** accession to the presidency was a disaster of major scope. Pressing for land and **suffrage** for the freedmen, Julian served on the House Committee on **Impeachment**. Greatly disappointed by failure to remove President Andrew Johnson from the White House, Julian took comfort in his leadership role in the passage of the **Southern Homestead Act (1866)**.

Defeated for Congress, Julian turned to the **Liberal Republican** crusade in the election of 1872. He supported **Horace Greeley**. Later, he campaigned on behalf of **Samuel J. Tilden** in the disputed **election of 1876**. After practicing law for several years, Julian became surveyor general for New Mexico under President Grover Cleveland. There, he fought against the land interests of **railroads** and speculators. Always crusading for a good cause, Julian's last one was for the "Gold Democrats" against the populists and similar advocates of free silver. On the eve of the twentieth century, Julian died in Irvington, Indiana, his hometown. *See also* Abolition of Slavery; African Americans; Civil Rights; Emancipation; Presidential Reconstruction; Republicans, Radical; Suffrage.

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*Donald K. Pickens*



# K

## **Kellogg, William Pitt (1830–1918)**

William Pitt Kellogg was a **carpetbagger** who served as U.S. senator (1868–1872) and as governor (1873–1877) of **Louisiana** during **Congressional Reconstruction**, though his gubernatorial election was mired in controversy. A native of Vermont, Kellogg moved with his family in the 1840s to Illinois, where he taught school and read law. He was admitted to the bar in 1853, and in 1856, he helped found the Illinois Republican Party. Appointed by President **Abraham Lincoln** as chief justice of the Nebraska Territory, he resigned to fight in the Civil War and eventually commanded a cavalry brigade before ill health forced him out of the service. Kellogg initially resumed his Nebraska duties, but in April 1865, Lincoln named him collector of customs in New Orleans (Lincoln's last appointment), a position he used to build the Louisiana Republican Party. Kellogg held this post until July 1868, when the Louisiana legislature, upon the state's **readmission** to the Union, elected him to the U.S. Senate. Kellogg resigned from the Senate in November 1872, having been nominated Republican candidate for governor of Louisiana.

The election of 1872 in Louisiana was among the most controversial in the state's history. Intimidation and **violence**, especially against blacks, characterized the campaign, and fraud marred the election. Both Kellogg and Democratic gubernatorial candidate John D. McEnery claimed victory. In January 1873, separate inaugurations were held, and Democratic- and Republican-majority legislatures convened. Louisiana endured the spectacle of rival state governments until May 1873, when President **Ulysses S. Grant** recognized Kellogg as governor.

The Kellogg administration never overcame the circumstances of its birth, and the large majority of white Louisianians vilified Kellogg. Democrats and other white conservatives engaged in tax strikes; civil insurrection and violence



increased, as white vigilantes massacred black and white Republicans at Colfax (April 1873) and Coushatta (August 1874); the paramilitary **White League** ousted Kellogg in September 1874, necessitating intervention by federal troops; Kellogg survived an assassination attempt; and a Democratic legislature impeached Kellogg in early 1876, though the Republican state senate refused to convict. Kellogg did not run for reelection in 1876, but he was elected to the U.S. Senate as part of the **Compromise of 1877**. In 1883, he won election to the U.S. House of Representatives. When his term expired in 1885, Kellogg retired from public office and moved to Washington, D.C., where he died on August 10, 1918. He is buried in Arlington National Cemetery.

As governor, Kellogg implemented a number of reforms, including lowering taxes and public expenditures, funding and reducing the state debt, and making government more efficient, all important measures during the economic depression of the 1870s. Yet his term was hampered by fierce white opposition, owing to the circumstances surrounding his election, his appointing of blacks to key offices and his support for black **civil rights**, his extended summer absences from the state, and his party affiliation. Kellogg also harmed the Republican cause by engaging in bribery and other corrupt practices associated with nineteenth-century Louisiana politics—a luxury that he and his party could ill afford. *See also* Black Suffrage; Democratic Party; Elections of 1876; Electoral Commission of 1877; Longstreet, James; Nicholls, Francis Redding Tillou; Packard, Stephen B.; Panic of 1873; Pinchback, Pinckney Benton Stewart; Race Riots; Railroads; Redemption; Scandals; Taxpayers' Conventions; Twitchell, Marshall H.; U.S. Army and Reconstruction; *United States v. Cruikshank*; Warmoth, Henry Clay.

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*John C. Rodrigue*

## Kentucky

When Confederate armies surrendered in spring 1865, Kentucky officially stood as a "border state," a loyal state—albeit one with slavery—that had never left the Union. As a full member of that Union, it did not anticipate undergoing the Reconstruction process affecting the former Confederate states. So instead, it found itself in a nebulous, confusing, and uncertain status after Appomattox. Oddly, both northerners and southerners viewed it more as a former Confederate state than a Union one—and with much justification. Kentucky had representatives at the Confederate Congress, and a star on the Confederate flag. In an oft-quoted statement written six decades after the conflict's end, one historian concluded that Kentucky "waited until after the war was over to secede from the Union" (Coulter, 439). If the state did not experience full Reconstruction, it certainly went through what could be termed "readjustment." The South, under full Reconstruction, viewed unfettered Kentucky as

the spokesman for its interests. In turn, Kentucky's actions and reactions to postwar events suggest how the South might have reacted without Reconstruction. A very different Kentucky emerged from that era than had existed at the start of the Civil War.

### *A Victor Embracing Defeat*

One of the largest slave states in population, wealth, and importance, and with a natural defense line at the Ohio River, Kentucky had been a sought-after prize for both governments at the start of the Civil War. Legend has it that early in the conflict, **Abraham Lincoln** (who was born in Kentucky) told his **cabinet**, "I certainly hope God is on our side. But I must have Kentucky!" Badly divided—for it would be truly "The Brothers' War" in Kentucky—the state first chose neutrality for a period of four months. Devoted to both the Union and slavery, Kentucky abandoned neutrality and indicated its intention to remain part of the United States. Disgruntled Confederate supporters organized their own rump government, and the state became a star in both flags, but the state's initial Unionist sympathies eroded as the war raged. The **Emancipation** Proclamation did not affect loyal state Kentucky, but it did signal that the **abolition of slavery** had become a wartime aim. Many angry, proslavery Unionists changed in sentiment. Thus, as the Union won battle after battle, it continued to lose the fight for the minds of Kentuckians. Historians would later note that the South's distinctiveness came about partially as a result of being the only section of the American nation to experience defeat. Yet Kentucky had fought on the winning side, but in a sense it *chose* defeat, by supporting the *postwar South*, heart and soul. As a result, the less numerous former Confederates and Confederate sympathizers dominated politics, winning the next six governorships. In a sense, the vanquished ruled the victors.

Those leaders faced the harsh reality of rebuilding after the war. A good prewar educational system stood in shambles, and the commonwealth's economy remained crippled. Kentucky numbered 90,000 fewer horses, 170,000 fewer cattle, and almost 50,000 fewer mules than it had five years earlier. Thousands of young lives had ended; many of its best and brightest had died. Across the state, the **violence** of the virulent guerrilla warfare that had raged almost unchecked for the last three years of the conflict continued on, making rural areas dangerous for white and black alike. By the 1870s, mountain feuds brought a different kind of violence to the commonwealth.

Not all places had suffered. Louisville, in particular, had prospered as a supply center for Union forces and as a transportation hub for rivers and **railroads** southward. After the war, it eagerly sent its drummers to supply the devastated South. Meanwhile, the merger of three city newspapers in 1868 produced the Louisville *Courier-Journal*, which, for a time, would have the largest circulation of any paper in the South. Its editor, "Marse Henry" Watterson, used its pages to thunder his denunciations of **Radical Republicans** and **Congressional Reconstruction**; the northern press, in turn, would caricature him as the personification of the Kentucky—and southern—colonel. But Watterson's toast that "a union of pork, tobacco, and whisky will

make us all wealthy, healthy, and frisky” (Tapp and Klotter, 307) emphasized the state’s relative recovery from the war. By 1877, Kentucky’s per capita wealth of \$533 led the South (although that figure badly trailed the national average of \$870).

### ***Race Relations***

The greatest change in postwar Kentucky concerned not economics but rather race relations. Almost one in every five Kentuckians had been an enslaved person in 1861. In fact, the state had furnished some 23,000 black soldiers to the Union cause—the second highest number of any state. Various federal laws and general orders had declared those soldiers and their families to be free, an action Kentucky refused to recognize. The state’s highest court declared such actions unconstitutional in December 1865, and the legislature refused to ratify any of the Reconstruction amendments. By the time of the ratification of the **Thirteenth Amendment** in December 1865, only Kentucky and Delaware still retained slavery. The system died hard in the state.

Newspapers soon filled with dire concerns of racial revolution, black control, and military rule. Some warned of a restarting of the war. Resulting **Ku Klux Klan** and Regulator violence matched or exceeded similar acts in Deep South states, and at least 100 lynchings occurred in a four-year period. Some blacks formed protective hamlets in rural areas, while others migrated to the relative safety of Kentucky’s more urban areas or to other states. Such opposition to black rights caused martial law to be continued until October 1865. As late as 1873, George A. Custer and the Seventh Cavalry served in the state to help control rampant Klan activity.

Opposition to black rights resulted in legal actions as well. While several 1866 legislative actions, similar to the **Black Codes** passed by the former Confederate states, placed former slaves under the same laws and penalties as whites, they also made exceptions regarding rape and racial intermarriage. Nor could blacks testify in cases against whites, until federal actions forced passage of an 1872 black testimony act. The state also set up a separate, racially segregated school system, but not until 1874 would it really function, and not until eight years after that would the funds from both white and black taxes be merged into a common pool for redistribution. A rare exception to the growing segregation was Berea College, which offered biracial **education** (this ended in 1908, when the U.S. **Supreme Court**, in *Berea College v. Kentucky*, forced the school to expel its black students).

The racial violence, restrictive rights, and educational deficiencies brought limited federal involvement in Kentucky, in the form of the Freedman’s Bureau. It started in the state in December 1865 and continued operations in some form until 1871. Kentucky vigorously protested that the agency could only operate in states formerly in rebellion, but to no avail. Underfunded, understaffed, and often overwhelmed, the bureau still did much good. Its 369 schools, staffed mostly by black teachers, educated nearly 19,000 students, despite opposition that in a one-year period included 20 murders, 18 other shootings, 11 rapes, and 270 further acts of violence. Yet, despite all the

opposition, blacks won several victories, including a successful fight to resist the segregation of streetcars in Louisville. They had already won the greater battle of developing strong communities as free people.

Women, white and black, faced resistance in their struggle for further rights as well, but legal barriers were slowly crumbling. Widows with school-age children could vote for school trustees, for example, and in 1867, women organized a **suffrage** organization in Hardin County. Most legal gains for women, however, awaited the decades after Reconstruction.

### *Kentucky Politics*

Change did occur in Kentucky politics. The chaos of the conflict left uncertainty about several questions as peacetime elections began. What role would former Confederate supporters play? How would the once-dominant ex-Whigs go? Which party would control the postwar political world? A wartime **loyalty oath** remained in force in 1865, but in the next year, legislative actions pardoned all ex-Confederates with wartime restrictions against them. The first major test of the political scene came in the 1867 gubernatorial and legislative elections. Since Kentucky had never left the Union, the **Military Reconstruction Acts** did not apply, so the black male population was not enfranchised as it was in ten former Confederate states. In the campaign, three groups vied for votes. All sought to win over the old ex-Whigs and the ex-Unionists from both prewar parties. The Union Party (Radical Republicans) openly supported the congressional Reconstruction program and the federal amendments, and stressed their Union ties. Opponents tried to tar them with radicalism and supporting black rights. The **Democratic Party**, in turn, openly rejected further support for blacks. Opponents termed them unrepentant rebels, and the party's candidate was an ex-Whig whose son had been killed fighting for the Confederate army. A third group, the Conservative Union Party, tried to take a more moderate stance and unite the Unionist ex-Whigs under its banner. That attempt to re-form a new alliance failed, the third party died, and the democracy dominated for the next three decades. In 1867, they won 113 of 138 legislative seats; in a special governor's race the next year, the party won 80 percent of the popular vote. The Democrats had forged a fragile coalition of former Confederates, some ex-Whigs, a few old Unionists angered by racial issues, and of course the more conservative prewar Democrats. Republicans got the rest, including the black male voters who cast their ballots after the ratification of the **Fifteenth Amendment** in 1870.

Within the Democracy, various sectional and philosophical rivalries split the party into factions. **New Departure** Democrats, led by Watterson, called for recognition of black rights, an end to sectional controversy, and a **New South** industrial order. The more numerous **Bourbon** Democrats more commonly resisted actions aiding blacks and looked more wistfully to an Old South ideal. Commercial and other differences between the central Bluegrass, Louisville, and west Kentucky exacerbated the differences, as did later agrarian unrest, reflected in a strong 1870s Granger movement. Yet, in the end, Democrats united enough to win, over a Republican Party shackled by memories of the war and race. Even when the Republicans put forth their best candidate, John

Marshall Harlan, he lost out in 1871 to ex-Whig Preston Leslie, 126,455 to 89,299 (Harlan later became a progressive Supreme Court justice, offering brilliant dissents in the *Civil Rights Cases* (1883) and *Plessy v. Ferguson* (1896). Four years later Harlan lost to former Confederate colonel James B. McCreary, 130,026 to 94,236. The lack of a large black population, combined with the cultural alliance with the former Confederate states, drove Kentucky toward becoming part of the Solid South.

Yet, despite all the postwar changes, people of both races and both sexes went on with their lives, growing the new burley tobacco, making a hard living on farms, and seeking education for their children. They viewed a state unencumbered by debt, but one that devoted too little support for social and public services. They observed a commonwealth that displayed wealth in its cities and horse farms, but more commonly presented a people suffering from a poverty of the spirit. They saw a Kentucky in change, yet unchanging. *See also* African Americans; Agriculture; Black Suffrage; Bureau of Refugees, Freedmen, and Abandoned Lands; Civil Rights; Disfranchisement; Fourteenth Amendment; Freedmen's Relief Societies; U.S. Army and Reconstruction.

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*James C. Klotter*

### **Kirk-Holden War (1869-1870)**

Named for George W. Kirk, a Civil War colonel who commanded Union troops in east **Tennessee** and western **North Carolina**, and **William W. Holden**, the Republican governor of North Carolina, the Kirk-Holden War represented a desperate state effort to end a reign of terror that had cost the lives of leading Republicans and intimidated countless white and black voters between 1869 and 1870. Although successful in ending Klan activity in central North Carolina, the Kirk-Holden War represented the high water mark of Republican rule in North Carolina during Reconstruction. While the Kirk-Holden War helped destroy the **Ku Klux Klan** in central North Carolina, it also resulted in the impeachment of Governor William W. Holden.

### ***Emergence of the Ku Klux Klan***

Founded in Tennessee following the Civil War, the Ku Klux Klan became the extralegal political arm of the **Democratic Party** in many of the former Confederate states. In 1867, following the passage of the **Military Reconstruction Act** and the advent of **Congressional Reconstruction**, the combination of **black suffrage** and political activity by native **scalawags** and

northern **carpetbaggers** completely ousted white Democrats from political power. As a result, the Ku Klux Klan evolved into a terrorist organization, aimed at wresting political control away from the infant southern Republican Party. In general, the Klan was most active in counties where a fairly even numerical split existed between blacks and whites. It was in those counties that the organization's violent tactics could deter enough Republicans from the polls to tip the balance in the Democrats' favor.

The political **violence** troubled state Republicans, and Holden tried to curtail it with persuasion. In October 1869, he threatened to declare a state of insurrection in Lenoir and Jones Counties. Local Klan operations effectively ceased after that. Similar tactics achieved comparable results elsewhere. The Republican-controlled legislature followed the governor's lead, and passed a law making it illegal to appear disguised in public for the purpose of violence or intimidation. However, such measures meant little if local law enforcement ignored them, so Holden cultivated support within troubled communities. He appealed to white conservatives' desire for stability and beseeched them to convince Klansmen to disband. These efforts helped restore peace in several troubled counties.

Alamance and Caswell Counties, however, defied the governor's attempts to negotiate peace. White Republicans went out of their way to appease the Democrats in each county, hoping that they could bring an end to the night riding. In fact, many of the local political and law enforcement officers in Alamance County were Democrats, but local control failed to placate the Klansmen. In both counties, night riders tormented white and black Republicans continuously.

Conciliation's failure in Alamance and Caswell forced Holden to confront the Ku Klux Klan directly. In late 1869, state senator T. M. Shoffner, a Republican from Alamance County, introduced legislation to expand the state's ability to deal with the violence. The proposed legislation authorized the governor to suspend the writ of habeas corpus and to employ state **militia** against the Klan in counties where the civil authorities were ineffective. The so-called Shoffner Act proved a mixed blessing. Despite giving the governor greater control over the militia, the provision for the suspension of habeas corpus clashed with the state constitution and was removed from the final act. For Senator Shoffner, the legislation's impact was personal. If not for a warning delivered by a disaffected Klan leader, Shoffner might have found himself at the wrong end of a gun rather than in a new home in Indiana.

### ***Murder Galvanizes the Republicans***

Matters in Alamance and Caswell came to a head following the murder of two high-profile Republicans. The first was Wyatt Outlaw, an **African American** leader from Alamance County. Despite a reputation for personal integrity, Outlaw's status as a town councilman and president of the local **Union League** raised the Klan's ire. In the early hours of February 26, 1870, night riders broke into Outlaw's home and dragged the black leader away from his family. Residents awoke the following morning to find Outlaw's body hanging from a rope in the public square.

Republicans could not understand how conservative men could countenance such blatant disregard for the law. However, a more immediate concern for Holden and his colleagues was the state elections scheduled for August. If Klan violence continued unabated, it might sufficiently deter blacks from voting and cost the Republicans' political control. Still, Holden hesitated to take decisive action against the Ku Klux. The Shoffner Act allowed him to call out the militia, but the blunting of the legislation's provisions pertaining to the writ of habeas corpus weakened the chances of bringing offenders to justice. As was the case with many southern administrations, the beleaguered governor turned to the federal government. Told that no federal troops were forthcoming, Holden again sought conciliation. He pressured local law enforcement officials to act, sent detectives to troubled counties, and tried to find local whites who could successfully negotiate an end to the violence.

Holden's moderate approach collapsed in the wake of another political murder. On the night of May 21, 1870, John W. Stephens, a native white Republican, attended a Democratic Party convention in the Caswell County courthouse. Stephens supported Holden's efforts to end the violence in the state, going so far as to endorse a local conservative for sheriff in an effort to placate local Klansmen. While the speakers took turns denouncing the Republican in their midst, the man Stephens promoted as the candidate of law and order invited the Republican into the basement. Once out of the crowd's sight, Klansmen dragged Stephens into a small room, where they choked and stabbed him. They then locked the door and left Stephens to die.

Stephens's murder was the last straw for Holden. Under a tremendous amount of pressure to restore order, the governor issued a proclamation offering rewards for the capture of Outlaw and Stephens's killers. Holden also made a final plea for federal assistance. President **Ulysses S. Grant**, however, felt that North Carolina's problems were its own and offered Holden no support. Since conciliation had failed and the federal government would not help, the governor and his advisors decided it was time Holden called out the militia.

### *Rally to Your Old Commander*

Deciding to employ the militia was only the first step, since Holden had to find reliable men to fill its ranks. Realizing that forces drawn from the counties surrounding Alamance and Caswell would probably include many of the Klansmen he sought to defeat, Holden turned to the western counties. He hoped that many of the former Unionists in the state's mountain counties would rally once again to suppress rebellious elements in the state. Although initial command over state forces was given to Colonel William J. Clarke, a northerner living in New Bern, it passed to George W. Kirk after Clarke left to secure supplies in the nation's capital. The east Tennessean commanded troops in the Carolina mountains during the Civil War and Holden hoped that his presence would lure his former soldiers into the ranks again. Kirk's popularity, coupled with the promise of regular army pay, brought 670 men between the ages of fifteen and seventy into the ranks in late June and early July 1870.

Once Holden declared Alamance and Caswell in a state of insurrection, Kirk's militia began arresting suspected Klansmen in the troubled counties almost immediately. The men arrested reflected the membership of the Klan in the state. Some were white men of respectability and wealth, but the majority of those arrested were younger men from the ranks of small or middling farmers. Despite the lower class status of most of the suspects, the most publicized arrest was that of Democratic newspaper editor Josiah Turner, Jr., near his home in Orange County. The fact that Turner lived in a county not under martial law proved troublesome for Holden. While an outspoken proponent of the Klan's activities, no evidence linked Turner directly to any violence, and Holden's political opponents decried his arrest as an act of tyranny.

The arrest of Turner and nearly 100 other suspected Klansmen had the effect Holden intended. Night riding in Alamance and Caswell halted, allowing Holden to resume negotiations to end the violence. Conservative residents, frustrated by violence but afraid to speak out against the terror organization, seized the opportunity to work for the Klan's demise.

Nevertheless, success failed to ease the pressure on the governor and his militia. Both found themselves in trouble with the law. The state Supreme Court's issuance of writs of habeas corpus for Kirk's prisoners presented Holden with a dilemma. Turning over his prisoners threatened to undermine the success already achieved, but refusing would give credence to the charges that he abused his authority. Adding to the governor's woes was the fact that Kirk was busy collecting confessions, but was unprepared to present that evidence in court. Trapped in a predicament of his own making, Holden chose to ignore the court and move forward with his plan to try the prisoners before a military tribunal.

Most of the detainees never made it to a military court. With their appeals to the state judicial system stymied by the governor, the alleged Klansmen appealed to a federal judge in Salisbury. Although sympathetic to Holden's efforts, the federal judge issued a writ of habeas corpus for the accused men, who ironically had claimed that their rights to due process guaranteed by the **Fourteenth Amendment** had been violated. Using an amendment to free the Klansmen—which Holden himself supported as a guarantee of blacks' political and **civil rights**—made it painfully clear that the governor had overplayed his hand. His militia disbanded on September 21, 1870.

### *Impeachment of a Governor*

Holden's opponents refused to let the matter dissipate with the militia. Klan violence and intimidation kept hundreds of Republican voters from the polls on August 4, 1870, allowing Holden's opponents to capture a majority in the state legislature. Not long after taking office, the new legislators—many of whom had ties to the Ku Klux Klan—filed eight charges of impropriety against Governor Holden and initiated impeachment proceedings. Holden responded to charges of violating the state constitution by mobilizing the militia and declaring a state of insurrection by presenting Kirk's evidence of the danger posed by the Klan. Holden's antagonists were unimpressed. The legislature voted 36 to 13 for impeachment on March 22, 1871. Their action removed Holden from office, and also barred him from holding state political office



again. More important, their political revenge against Holden marked the fall of the Republicans and the “**redemption**” of North Carolina as Democrats took control—virtually ending Republican influence in the state for the next generation. *See also* Black Suffrage; Bloody Shirt; Disfranchisement; Enforcement Acts; Race Riots; U.S. Army and Reconstruction; White League.

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*Steven E. Nash*

**KKK.** *See* Ku Klux Klan.

### **Ku Klux Klan (KKK)**

The Ku Klux Klan was an organization dedicated to restoring political and social power to white Conservative Democrats in the South after the Civil War. It became the counterrevolutionary vehicle for the **Democratic Party**, through which extralegal means could be employed to thwart the Reconstruction agenda of **Radical Republicans**, Unionist **scalawags**, **carpetbaggers**, and their **African American** allies. It grew into a multifaceted organization that appealed to a wide range of southern white citizenry based upon the premise of white supremacy and employing methods that included persuasion as well as coercion to accomplish its goals. At its height, the Klan served as the military manifestation of the struggle for “home rule,” as well as a breeding ground for intimidation and **violence**, having transformed from a largely fraternal organization with limited numbers and goals into a secret society that spanned the South and demonstrated the willingness to employ all the weapons at its disposal to achieve its ends.

#### ***Genesis and Structure of the Organization***

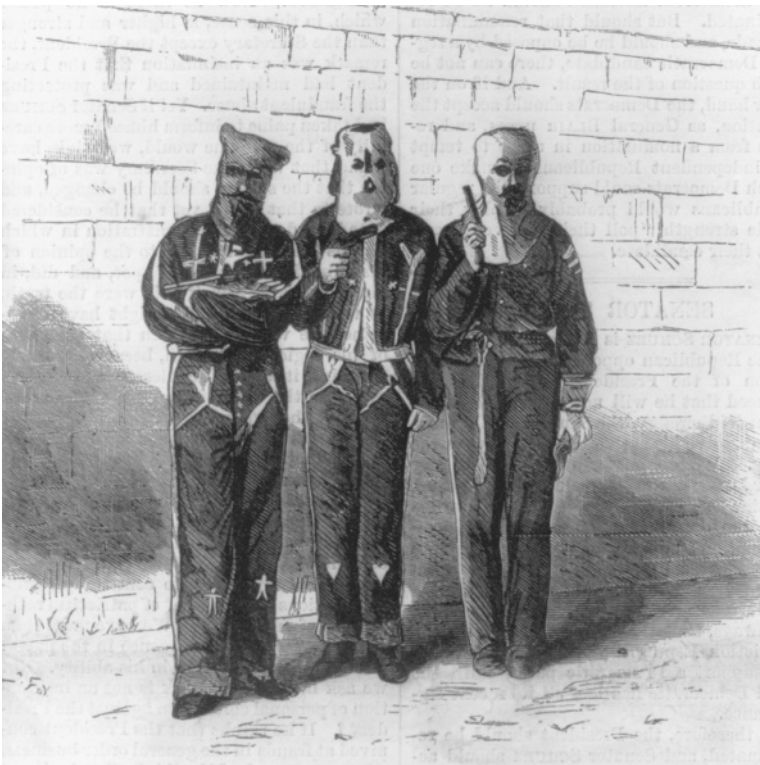
Begun in Pulaski, **Tennessee**, in early 1866, by six former Confederate officers, the organization at first served as a source of amusement and an opportunity to recall wartime connections for the ex-soldiers. The first order of business was to decide upon a name and establish the rules and rituals. The early members settled on a hybrid of Greek (kuklos or circle) and English (clan). The rules and rituals took some time to compose and reflected the relatively innocuous nature of the organization at this point in its existence.

The initial practices of the Klan amounted to little more than harmless pranks, but success in mild forms of intimidation became infectious and Klan activities grew more audacious and aggressive. Nevertheless, the founders and early leaders touted the secret society as essentially benevolent in nature,

providing assistance to whites in need and serving a self-anointed local, as well as internal, policing role. In this way, it harkened back to the slave patrols and other community-sponsored outfits that enforced black subordination before the war. Proponents of the organization insisted that its membership consisted of former Confederates who had served honorably, and other leading citizens.

The Klan's military heritage was unmistakable in its chain of command and structural hierarchy. The "Invisible Empire," commanded by a Grand Wizard was subdivided into realms (statewide organizations led by a Grand Dragon), dominions (congressional districts under a Grand Titan), provinces (counties commanded by a Grand Giant), and local dens (headed by a Grand Cyclops). Since the founders and most of the members were veterans, it made sense that these descending units and offices corresponded to those found in the military. It also reflected a cultural propensity and tradition of secret order and rites, such as those found in the popular Masonic Order of the time. A "Prescript" or constitution established the nature and purposes of the organization, its authorship attributed to former Confederate general George W. Gordon, an attorney in Pulaski who also served as a key Klan leader.

The Klan thrived in secrecy. Members sent messages in code and carried out recruitment in stealth. Willingness to obtain membership was evident in



Early Klan members depicted wearing the precursor to the white hood.  
(Courtesy of the Library of Congress.)

the interest shown outside of Pulaski. By the end of 1866, the Ku Klux Klan in Tennessee had spread statewide. In April 1867, the leadership met in Nashville at the Maxwell House hotel to give the organization greater cohesion. At about the same time, it received its most famous recruit—and future leader—when former Confederate cavalry general **Nathan Bedford Forrest** joined its ranks and, according to some, assumed the office of grand wizard. Forrest had vowed to remain quietly at home when the war ended until he felt the actions of wartime Unionist and postwar governor **William G. “Parson” Brownlow** against former Confederates and Democrats in the state prompted him to become active in response.

### *The Klan Expands in Size and Purpose*

Under Forrest’s leadership, the Klan grew exponentially. Using his contacts in his **railroad** construction and insurance ventures, Forrest worked to expand the organization into neighboring states and throughout the South. Often he met on business matters with ex-Confederate colleagues such as **John B. Gordon**, who then subsequently became central figures in establishing and leading Klan activities in their states. Forrest also benefited from friendly newspapers that included notices or editorialized favorably on the secret society’s behalf.

In 1867, as the Republican Reconstruction program implemented **black suffrage**, the Ku Klux Klan turned its attention to the political arena. At first, the organization employed mostly nonviolent tactics in an attempt to persuade African Americans to vote Democratic, largely on the antebellum assumption that they would view their former masters as most closely associated with their best interests. When this did not occur, frustrated whites turned increasingly to force, or at least the threat of force, to obtain the same result—prevent blacks from participating in the political process. Thus, the Ku Klux Klan sought to influence political affairs and restore the social order to something approximating the prewar status quo. To this end, Klan members targeted the people and organizations they identified as active challengers to their conservative aims, especially the secret Republican clubs known as **Union Leagues** (also called Loyal Leagues), whose membership included blacks and Unionists.

The Klan played an important but as it turned out not very decisive role in the presidential **election of 1868** between Democrat **Horatio Seymour** and Republican **Ulysses S. Grant**. In **Georgia**, Klan forces also failed to elect Democrat and Klan leader John B. Gordon over Republican **Rufus Bullock**. At the same time, **William W. Holden**, originally appointed as **provisional governor** by President **Andrew Johnson**, became **North Carolina’s** first Republican governor. Yet, the organization enjoyed some successes in its home state of Tennessee when Governor Brownlow left the statehouse to take up a seat in the U.S. Senate and his successor, DeWitt Clinton Senter, proved more amenable to the former Confederates and Democrats there. In North Carolina, Governor Holden employed the **militia** under Colonel George W. Kirk to battle continuously with Klan forces in his state, before finally being impeached and removed from that office in 1871.

Yet, by this point in its development, the Ku Klux Klan was also becoming an organization that no central authority, even one as determined and dynamic as Nathan Bedford Forrest, could control. Although this became a common and convenient subterfuge—such as when Klan members wanted to deny violence and intimidation in their ranks by attributing such activities to renegade elements—it was sufficient to encourage Forrest to dissociate himself from the organization. Consequently, in early 1869, the grand wizard sent out an edict for members to destroy their regalia. Although the Klan officially disbanded, it by no means disappeared and in some areas became even more pronounced in its abusive methods.

Continuing Klan violence prompted the U.S. Congress to pass **Enforcement Acts** in 1870 and 1871 to combat these excesses and counteract the organization's effectiveness in threatening the southern Republican Party. Congress also called prominent leaders felt to be associated with the organization, including Nathan Bedford Forrest and John B. Gordon, to testify in Washington. In their descriptions of the secret society, offered despite their denial of membership in the Klan, such leaders demonstrated considerable knowledge and detail concerning it. Their testimonies also presented numerous examples of evasion and false or misleading statements, but, by this point, they could repudiate the violence in an organization that no longer existed, officially, at least. This sort of politically motivated violence would subside after **Redemption** as **Bourbon** governments returned Democrats to power. Then, legal **disfranchisement** measures were developed to eliminate the political roles and opportunities for blacks.

Despite the celebratory images, the stereotypes, and the heated rhetoric of “**Lost Cause**” adherents, the Ku Klux Klan was not solely responsible for the undoing of Reconstruction, but it clearly aided in the endeavors of white southern conservative Democrats to return to power and helped to reestablish a social system of white supremacy in the South. The Klan returned to public attention in the 1910s and 1920s (the cross-burning, anti-Semitic, xenophobic Klan developed here) and again in the 1960s, but the Reconstruction Klan clearly remained an inspiration for these later versions, as evidenced by Thomas Dixon's novel *The Clansman*, which served as the source for D. W. Griffith's silent film, *The Birth of a Nation* (1915), and the words and actions of the **Jim Crow** segregationists of the Civil Rights era. *See also* Bloody Shirt; Congressional Reconstruction; Kirk-Holden War; Race Riots; U.S. Army and Reconstruction; White League.

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Brian S. Wills



# L

## Labor Systems

One might expect that Union victory in the Civil War would have presented a *fait accompli* with regard to the labor system of the former Confederate states. **Emancipation** meant that the slaves of the South were now, ipso facto, free laborers, a condition codified by the **Thirteenth Amendment** (1865), which **abolished slavery** entirely and prohibited labor systems based on “slavery or involuntary servitude.”

But matters were not so simple. Southern whites, especially former slave owners, were reluctant to treat blacks with even the modicum of equality necessary to forming **contracts** between mutually consenting parties; more common were racist attitudes that viewed the **African American** freedpeople as naturally inferior. On the other hand, among the freedpeople, the habits and work discipline of a modern wage-labor force could not be inculcated under decades of slavery, and unsurprisingly, most former slaves preferred self-sufficiency for themselves and their families rather than entering into market-oriented relationships, which struck them as merely their old bosses in new clothes. Finally, among the federal representatives who presided over the reconstruction of southern labor systems, as in the North more generally, the practical aspects and very meaning of “free labor” were erratically understood, vaguely defined, and often bitterly contested.

### *Transition: From Slavery to Free Labor*

The basis of the southern economy both before and after the Civil War was the production of agricultural commodities, chiefly cotton. Before the war, most cotton was produced on farms or plantations by black slaves working under the supervision of white owners. As a labor system, slavery had meant that workers toiled only because of the constant threat—and often, reality—of

**violence**; that is, a form of extraeconomic compulsion. Slaves were a form of property, and as such, black workers in the antebellum South had no rights, remunerative or otherwise, that their owners were legally obligated to respect. By contrast, in the systems of production then in place in the northern and western states, laborers were “free,” which is to say that the work they performed was part of a reciprocal exchange (for example, tasks for wages) governed mainly by market incentives and the laws of **contract**.

During the early years of Reconstruction, military officers working under the auspices of the federal **Bureau of Refugees, Freedmen, and Abandoned Lands** (BRFAL), or the Freedmen’s Bureau, were the immediate adjudicators of the labor arrangements that emerged in various southern localities. During the war, the army had been responsible for dealing with slaves defined as **contraband**, so this seemed a logical outgrowth of that policy. Early on, however, the army interfered only minimally, and the arrangements presented by southern whites had much of the compulsory character of slavery, especially under the short-lived **Black Codes** of 1865–1866, which sought to limit freedpeople’s movement through harsh penalties for **vagrancy** and lack of employment. Though these codes were soon nullified by federal action, the attitudes that undergirded them persisted for years to come, profoundly delimiting the development of a true free labor system for the post-emancipation South.

There was no escaping a simple reality: White landowners needed labor, and the freedpeople needed jobs. At first, the most common means of reaching labor agreements with the former slaves was to contract with them as groups, often in “squads” composed of loosely allied families and individuals. Attempts were made to pay these squads cash wages on a semiregular basis—weekly or monthly—but the lack of capital among white landowners made such wage payments nearly impossible to sustain. In their place, a variety of arrangements emerged across the South by the late 1860s, whose crux was the deferral of cash wages in favor of a portion of the crop to be produced and sold at prevailing market prices. This was the genesis of the **sharecropping** system that was to dominate southern **agriculture** through the Great Depression.

### ***Sharecropping Takes Hold***

Though not a uniquely American form of labor system—sharecropping had many global and historical antecedents—its form in the postwar South had particular features that were well adapted to the regional context. As a substitute for a system of cash wages, the advantages of sharecropping were superior for both parties. The deferral of compensation meant that white planters could productively employ the only capital they had left—the land—without the need for monetary reserves, and as freedpeople impelled the further evolution of sharecropping away from the gang labor common to the squad system toward contracts with individual households, they grew reconciled to sharecropping’s ability to approximate the ideal of independent farming that most held dear. Still, sharecropping fully satisfied no one: Landowning capitalists would have preferred more leeway for regulating and

disciplining “their” laborers; freedpeople would have preferred to own their own land on which to produce as they saw fit.

If this was “free labor,” then it was a most peculiar form of it at best. Sharecropping’s main shortcomings were to be found in the need for seasonal agricultural credit that could provide for the day-to-day needs of workers until the annual harvesting and marketing of the crop. Although some planters took an active role in provisioning their tenants over the course of the year, the same lack of liquid capital that kept them from paying regular cash wages made it difficult for most to obtain goods from northern markets for distribution to their workforces. As a result, a third party, the independent furnishing merchant with ties to outside capital, arose during Reconstruction, when the numbers of so-called country stores (many were actually located in or served as the basis of small towns) grew tremendously throughout the South. Though white landowners greatly resented the intrusion of these merchants into their customary positions of community power (many of them were northern migrants, and often Jewish as well), the situation proved even worse for the sharecropping farmers themselves. Many found themselves forced into long-term debt to the furnishing merchant as a result of high interest rates, as well as shortfalls due to poor harvests, low crop prices, or both. The consequent restrictions on freedpeoples’ mobility and choice of crop mix were soon widely perceived as a form of debt peonage—restoring them to a condition disturbingly similar to slavery.

This makeshift, inefficient labor system, gestated and born during Reconstruction, plagued the southern economy for decades to come. Like slavery, sharecropping was never the exclusive labor system of the South—it coexisted with other steps on the “agricultural ladder,” from cash renting to farm ownership. It did, however, constitute the dominant mode of production, and as such, it exerted a determinant influence on the relationships in those around it. There were other forms of labor control in the postwar South: Perhaps the most authoritarian was the notorious convict-lease system, which was gaining wide popularity by the late 1860s. Also, similarities to other labor systems then arising in the mining towns of the West could be found in the new cotton-mill villages of the lower Atlantic seaboard, where displaced white rural workers—men, women, and children—were transformed into factory operatives under conditions of company paternalism.

### ***Labor Movements in the North***

In the North, the workforce still remained surprisingly rurally dispersed immediately after the war, but the trend was clearly toward its increasing concentration in urban areas, especially after labor’s ranks were augmented by the waves of immigration that picked up steam during the late Reconstruction era. As the manufacturing sector grew in importance during the postwar years, there were crucial efforts to further institutionalize the nascent organized labor movement, but with mixed results. Partisan politics intruded on attempts to build and sustain the National Labor Union led by William H. Sylvis; the Knights of Labor, founded in 1869, would enjoy greater success beginning in the late 1870s. The clearest harbinger of the future of the



American labor movement were the attempts to organize craft unions by particular trades during Reconstruction, though most of these were wiped out by the **Panic of 1873**. However, throughout the many strikes of the 1870s, which culminated in the great strike wave of 1877, community-oriented, mutualist forms of consciousness continued to predominate among workers, who were also often divided by ethnoreligious conflicts, and Union actions thus tended to remain spontaneous, unfocused, and vulnerable to disruption. *See also* Freedmen's Relief Societies; Southern Homestead Act; Stevens, Thaddeus; U.S. Army and Reconstruction.

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**Liberal Republicans.** *See* Republicans, Liberal.

### **Lincoln, Abraham (1809–1865)**

Abraham Lincoln, sixteenth president of the United States, in his first inaugural address on March 4, 1861, announced his intention to preserve the government and to restore the seceded states to the Union. The reconstruction of these states—or, as he preferred, restoration—was his duty as president under the **U.S. Constitution**. Lincoln never recognized the legitimacy of secession or the government of the Confederate states. He reasoned that individuals, not states, had rebelled and thereby had overturned republican forms of government in the South as guaranteed by the Constitution. When the war began in April 1861, Lincoln believed that it was his supreme constitutional responsibility as commander in chief to suppress the armed rebellion and restore legitimate, loyal governments in the southern states. In his mind, the states were indestructible and their prewar constitutions and laws should remain unchanged unless amended or replaced by the normal state processes. Throughout the war, Lincoln insisted that his aim was to return the southern states and their people to their "proper practical relation with the Union."

#### ***Lincoln's Plan of Restoration***

Lincoln favored a large measure of self-reconstruction that would be led by a nucleus of southern Unionists as federal armies penetrated the rebel areas. He had faith in the "good sense" of the southern people to want reunion once they understood that he was no threat to slavery or their rights. Until late in the war, he consistently overestimated the strength of southern Unionism

and, conversely, underestimated the support of the southern people for the war.

Lincoln's first effort toward Reconstruction occurred in western **Virginia**. With his encouragement, Unionists in this area met at Wheeling in June 1861, and created the Restored Government of Virginia. They selected as governor **Francis H. Pierpont**, elected two U.S. senators, and called for the popular elections of three congressmen under the laws of Virginia. Lincoln gave his approval to the work, and Congress seated the senators and representatives from the Pierpont government. When this government gave its approval in 1862 to the formation of the state of **West Virginia**, Lincoln reluctantly agreed and Congress approved the division. The Restored Government of Virginia then moved to Alexandria within Union lines where it maintained only a skeleton government until the end of the war. After Robert E. Lee's surrender, Governor Pierpont assumed control in Richmond. In 1868, he was removed by General **John M. Schofield** under **Congressional Reconstruction**.

Early in the war, Lincoln sought to liberate the Unionists of East **Tennessee** from rebel rule and establish the foundation for the restoration of the state to the Union. He pressed his military commanders to launch campaigns into the area. The effort to penetrate East Tennessee through Cumberland Gap failed, but in early 1862, Nashville fell to federal forces, and Lincoln dispatched Senator **Andrew Johnson** to Middle Tennessee to begin the process of Reconstruction. Appointed **military governor** of the state, Johnson refused to hold state elections until Unionists in East Tennessee were liberated and could prevent rebels from overwhelming the new government. Lincoln also had to placate Johnson and East Tennessee Unionists by exempting all of the state from the **Emancipation** Proclamation. However, these Unionists, including Johnson, later supported emancipation. By early 1865, the federal army had finally succeeded in redeeming East Tennessee, and a state convention of Unionists abolished slavery and formed a government under **William G. "Parson" Brownlow**. It was not until after the war that Tennessee sent representatives to Congress.

Also in 1862, Lincoln appointed military governors for **North Carolina**, **Louisiana**, and **Texas**. After federal forces occupied northeastern North Carolina in March, Lincoln sent Edward Stanly, a former congressman, to New Bern to begin the process of civil reorganization in the state. Stanly, however, made little progress toward Reconstruction, and when the president issued his Emancipation Proclamation, he resigned. Lincoln did not appoint a replacement. After New Orleans fell to federal forces in May 1862, Lincoln appointed Colonel George F. Shepley, under the overall command of General **Benjamin F. Butler**, as military governor of the city and directed him to seek the restoration of civil government and hold elections for two congressmen in the occupied districts. Only after much prodding on the president's part were two representatives elected, and in early 1863, they were seated to serve out the remaining days of the congressional term. Lincoln's appointment of Andrew Jackson Hamilton for Texas proved fruitless, mainly because the Union controlled only a coastal sliver of the state. However, after the war, President Andrew Johnson appointed Hamilton **provisional governor** of Texas.

### *Lincoln and Amnesty*

The federal military successes at Gettysburg, Vicksburg, Chattanooga, and elsewhere during the summer and fall of 1863 encouraged Lincoln to launch a new initiative on Reconstruction while maintaining the substance of his southern Unionist-controlled policy. On December 8, 1863, he issued what has been called the Proclamation of **Amnesty** and Reconstruction. Lincoln declared that he was issuing the proclamation because “in some states the elements for resumption” of Union governments “seem ready for action, but remain inactive, apparently for want of a rallying point—a plan of action.” He also said that circumstances in a state might dictate a variance on his plan, though certain general requirements had to be met. His plan granted amnesty to the great majority of southerners who would take a simple oath of future loyalty to the Union, the Constitution, and the proclamations and laws regarding slavery. Certain classes of Confederate officials and those who had mistreated prisoners of war would be excluded from amnesty for the time being. Later, Lincoln said that he did not intend to withhold **pardons** from members of the excluded classes; and indeed, he did not.

In the second part of his proclamation, Lincoln outlined a method to restore the state governments to the Union. He indicated that whenever one-tenth of those eligible to vote in the 1860 presidential election had taken the oath of allegiance, they could “re-establish a State government which shall be republican” in character. The president did not explain why the Ten Percent Plan was chosen, but, eager to get the process under way, he probably believed that while the war raged, this percentage of the 1860 voters would constitute a “tangible nucleus” to launch loyal state governments. He required that the restored governments affirm the **abolition of slavery**, though as a “temporary arrangement” they could adopt measures that recognized the freedpeople’s “present condition as a laboring, landless, and homeless class.” However, they must acknowledge their permanent freedom and provide for the **education** of young blacks.

Lincoln’s December 8, 1863, proclamation resulted in a flurry of Reconstruction activity in federal-occupied areas, though the process was not completed in any state until after the war. Louisiana became the centerpiece of the president’s new initiative. There, in early 1864, a loyal government was elected, mainly representative of the federal-occupied New Orleans area, and it provided for an election of delegates for a state **constitutional convention**. One month before the assembling of the convention, a delegation of prominent New Orleans blacks traveled to Washington and presented a petition to President Lincoln asking for the right to vote for members of their race. Lincoln told the delegation that he could not impose a **suffrage** requirement upon the people of Louisiana. However, ten days later, he raised the issue with the new governor, Michael Hahn, in a letter marked “Private.” “I barely suggest for your private consideration,” he wrote, “whether some of the colored people may not be let in—as, for instance, the very intelligent, and [soldiers]. . . . But this is only a suggestion, not to the public, but to you alone.” When the convention met, Hahn showed the letter to leading delegates, but

they rejected the president's plea. However, as required by Lincoln, they ended slavery in the new state constitution.

When the war became stalemated during the summer of 1864, Lincoln's political stock plummeted not only in the nation but also within his party. **Radical Republicans**, joined by other Lincoln opponents, secured the passage of the **Wade-Davis** Reconstruction bill designed to substitute a stringent Reconstruction policy for the president's lenient plan. Lincoln pocket vetoed the measure. After Lincoln won reelection, he directed his efforts toward securing an early peace on his mild terms—the surrender of the rebel armies, restoration of the Union, and emancipation. At the Hampton Roads Peace Conference with Confederate commissioners on February 3, 1865, he realized that **Jefferson Davis's** administration was determined to continue the fight. One month later, in his classic second inaugural address, Lincoln ended with the plea,

With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve . . . a lasting peace.

### ***The End of the Civil War***

On April 11, three days before his tragic death, Lincoln made his final public statement on Reconstruction. It was also his last speech. Though some historians disagree, it seems probable that Lincoln had not changed his fundamental policy of self-Reconstruction controlled by southern Unionists and not by the federal government. He announced that the differences among the loyal people regarding “the mode, manner, and means of reconstruction” had caused “additional embarrassment,” and, with Louisiana in mind, Lincoln admitted that he would have preferred that “the elective franchise” were “conferred on the very intelligent [blacks], and on those who serve our cause as soldiers.” Nowhere in this address, however, did he suggest that he would impose **black suffrage** or **civil rights** upon Louisiana or any southern state. He did indicate that “it may be my duty to make some new announcement to the people of the South.” With the war ending, Lincoln probably was thinking about a declaration extending temporary military control to states where no loyal governments existed, a purpose that became clearer when he met with his **cabinet** three days later. A second meeting on a proposal along this line by Secretary of War **Edwin M. Stanton** was scheduled for April 18. Lincoln was dead, and the meeting was never held. *See also* Assassination of Abraham Lincoln; Black Codes; Disfranchisement; Elections of 1864; Presidential Reconstruction; Readmission.

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*William C. Harris*

**Lincoln, Abraham, Assassination of.** *See* Assassination of Abraham Lincoln (1865).

### **Lindsay, Robert B. (1824–1902)**

Robert Burns Lindsay was one of the more troubled Democratic governors of the Reconstruction era, perhaps most famous for presiding over the unraveling of **Alabama's** ambitious **railroad** subsidy program.

Lindsay, born in Scotland in 1824, entered politics as a Democratic legislator from the **Tennessee** Valley in the 1850s. He was the son-in-law of Governor John Winston, known for his opposition to railroad subsidies, an association that aided his political career. In the presidential campaign of 1860, Lindsay supported Stephen Douglas and opposed secession. He took “a slight part in the rebellion” and was “never much of a soldier.” In reluctantly Confederate north Alabama, this political profile was popular, and after a brief dalliance with Reconstruction, he emerged as a moderate leader in the **Democratic Party**, relatively untainted with sectional extremism.

#### *Governor Lindsay*

The Republican Party ascended to power under the **Military Reconstruction Acts**, and was readmitted to the Union in 1868. Republican **William H. Smith** was the first governor elected under **Congressional Reconstruction**, and ran again in 1870. In November 1870, Democrat Lindsay challenged Smith, and claimed a narrow victory over the incumbent. After several weeks of tension and near-violence, a court decision in Lindsay's favor placed the Democrat in office.

As Lindsay assumed office, a fiscal crisis immediately ensued. In January 1871, the Alabama & Chattanooga Railroad defaulted on its state-endorsed bonds, and Lindsay discovered that his predecessor had signed some half a million dollars in unauthorized securities. Lindsay refused to honor the extralegal bonds, and he declined to pay anything for months without full investigation. The upright course paralyzed the largest railroad in the state before its completion, leading to its bankruptcy, and it also undermined the financing of all the other projects under construction in the state. With the coming of the **Panic of 1873**, most of the endorsed lines went bankrupt, taking the state government with them.

The railroad imbroglio also damaged the governor's personal reputation. When the state government took over the failing Alabama & Chattanooga line, the previous management lavishly bribed Lindsay's best friend in an attempt to regain control of the company. The governor may or may not have been involved, but his reputation was compromised, and militant Democrats pressed for more wholesale repudiation of the tainted company's bonds. Furthermore, Alabama's financial crisis closed the public schools for a year, further damaging an educational system just trying to regain its footing. As a result of these difficulties, the party rejected Governor Lindsay's bid for renomination; the Democrats went on to lose the governorship in the next election by a substantial margin.

Despite his difficulties, Lindsay's administration was not without positive features. Lindsay thought it was important that the Democrats discourage **Ku Klux Klan** terrorism, for fear the federal government would intervene (rather, apparently, than for reasons of morality). He was less committed to the rule of law than to the elimination of the Republican Party, but still, he publicly denounced "crime and lawlessness," arguing that it was "condemned by the leading and influential citizens of the country." He was less than candid about the prevalence of terrorist activity, but these avowals may have contributed to the decline in Klan activity over the course of his administration.

Soon after leaving office, Lindsay suffered an attack of paralysis. He resumed law practice at a limited level, but he took no further interest in politics. He remained an invalid until his death in Tuscumbia, Alabama, in 1902. *See also* African Americans; Amnesty Proclamations; Carpetbaggers; Education; Fourteenth Amendment; Johnson, Andrew; Parsons, Lewis E.; Readmission; Republicans, Radical; Scandals; Violence.

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*Michael W. Fitzgerald*

### Longstreet, James (1821-1904)

James Longstreet distinguished himself as one of the highest-ranking Confederates to join the Republican Party during Reconstruction. He was born in Edgefield District, **South Carolina**, but grew up in **Georgia**. He graduated from the U.S. Military Academy in 1842, ranking fifty-fourth of sixty-two cadets. During the war, Longstreet led the First Corps of Robert E. Lee's Army of Northern Virginia, and Lee designated Longstreet to take over the army should Lee be killed or incapacitated. Due to Longstreet's high rank and a position close to Lee, it was a shock to former Confederates when he announced in the spring of 1867 that he was joining the Republican Party. At one stroke, Longstreet cast himself out of the Confederate pantheon of heroes and made himself vulnerable to critics of his generalship and his postwar politics.

Longstreet did not accept all of the political and social tenets offered by the Republicans during Reconstruction. He did not follow the Radical wing of the party, and found fault with the **Military Reconstruction Acts** that formed the basis of **Congressional Reconstruction** policy. Still, he recognized that Republicans, not Democrats, controlled Reconstruction. When his antebellum friend, **Ulysses S. Grant**, won the presidency in 1868, Longstreet hoped to help guide Reconstruction as well as improve his financial standing. However, affiliating with the Republicans turned away many Democrats and former

Confederates from Longstreet's insurance company and his cotton marketing business. In April 1869, Grant gave Longstreet a political plum, making him surveyor of the port of New Orleans, where Longstreet resided. For many, becoming a Republican and accepting Grant's **patronage** made Longstreet a "**scalawag**" and a traitor to the **Lost Cause**.

As a former general (and now Republican), Longstreet seemed a logical choice in 1873 to head the New Orleans Metropolitan Police. This force was controversial and especially galling to former Confederates because it contained so many **African Americans**. They formed the main line of defense for Louisiana's Republican governor, **William P. Kellogg**. He also appointed Longstreet to serve on the Louisiana Levee Commission, another patronage job.

Longstreet commanded police units in New Orleans when former Confederates tried to overthrow Kellogg in September 1874. Members of the Louisiana **White League** (similar to the **Ku Klux Klan**) fought against Longstreet's policemen in urban warfare—the so-called "Battle of Liberty Place." Longstreet reportedly blanched when he heard Kellogg's opponents shouting the Rebel Yell. The Metropolitan Police could not subdue the rioting, and **U.S. Army** troops were sent in to quell the disorder.

Abandoning the bayous, Longstreet returned to Georgia and bought a farm. A request for a political favor from President **Rutherford B. Hayes** gained him the post of U.S. minister (ambassador) to Turkey, and subsequently he took the appointment of U.S. marshal for Georgia, 1881–1883. In later years, apologists for the Lost Cause, led by Jubal Early, heaped criticism on Longstreet, blaming him for the southern defeat at Gettysburg and undermining the chance for Confederate independence. Longstreet defended himself in his memoir, *From Manassas to Appomattox* (1896), and in magazine articles, but his opponents had succeeded in permanently tarnishing his reputation. *See also* Democratic Party; Elections of 1868; Race Riots; Violence.

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## Lost Cause

The Lost Cause is the name given to a romanticized interpretation of the Civil War and Reconstruction periods that seeks to salve the southern conscience at the expense of both historical accuracy and **African Americans**. The movement gained definitive shape in the 1880s, mostly through the writings of Civil War veterans, especially former Confederate general Jubal Early. The interpretation, or memory, consists of a set of beliefs that justified the southern side of Civil War. Over the late nineteenth and early twentieth centuries, this memory became ritualized, institutionalized, and was often expressed in quasi-religious terms in the South.

### *The Old South and the Confederacy*

The cult of Lost Cause is characterized by an intense focus on the past and is closely connected in time to the creation of historically minded institutions like the Southern Historical Association, the United Daughters of the Confederacy, and the United Confederate Veterans. The Lost Cause consists of four central tenets. First, white southerners fought the Civil War as a defense of the political philosophy of state's rights. This offers an elegant philosophical justification for the **violence** committed during the war. Second, the results of the war can be explained with reference to the North's overwhelming numerical advantage, both in terms of supplies and soldiers. This explanation denies all historical contingency during the war and offers a reassuring vision (to its adherents) of the antebellum South as an innocent rural region and the antebellum North as an avaricious industrial giant. Third, the Confederacy is portrayed as the true Christian society. In this account, Robert E. Lee, Stonewall Jackson, and Confederate women's undying sacrifices stand as testimony to the dedication and faith of white southerners. In contrast, northerners are represented as money-worshipping Yankees whose greed blinds them to the necessity of spiritual humility, and ultimately, salvation. Last, the Lost Cause treats slavery as a benevolent institution. African slaves were lucky to have had the opportunity to be brought to America where they were introduced to Christianity and kindly masters instead of dwelling in pagan barbarism in Africa. The antebellum South is presented as a lost time of near perfection—a utopia for white people, and, when black people are considered at all, a decided improvement over their fortunes had they remained in Africa. The centrality of slavery to the Civil War, and the institution's obvious inhumane and repressive aspects, are left out entirely.

### *Postwar America: Reconstruction and Reconciliation*

Although the Lost Cause is typically identified with the constellation of issues described above and related to the Civil War, it extends easily to explain the period of Reconstruction. The interpretation of Reconstruction continues the picture of blameless southern whites and incompetent blacks upon which so much of the wartime story rests. The rise of Republican governments in the South is regarded as an unholy alliance between greedy northern **carpetbaggers**, debased white southern **scalawags**, and gullible freedmen. The policies of these governments are portrayed as uniformly disastrous and the governments themselves as hopelessly corrupt. **Redemption** by white conservatives—not accidentally a term with religious overtones—is thus regarded as an improvement for both the white southerners whose rights were denied by **Radical Republicans** and, ultimately, a boon to the South, because with men of good character returned to office, the future of the South would be safe once again.

The Lost Cause emerged at a time—the 1880s—when white southerners continued to decry northern economic dominance of their region, but when both regions sought actual reunion. In its time, the Lost Cause helped perform much of the work of reconciliation by explaining the war as a test of wills among honorable white men. Both sides could take pride in their heroism



without disagreeing over the causes or outcomes. Once Reconstruction had ended, the nation began to look toward issues capable of unifying whites, North and South. These included **American Indian** wars, westward expansion, and even overseas imperialism via the war with Spain. At the same time, Civil War veterans' reunions were becoming more and more popular; both former Yankees and Rebels, wittingly or not, embraced the Lost Cause just as they embraced each other, former enemies, now all Americans.

The Lost Cause received its most dramatic articulation in *The Birth of a Nation*, D. W. Griffith's 1915 film about the effects of black rule on the South. Based upon the Thomas Dixon novel *The Clansman*, the film's characterization of rapacious ignorant blacks, deceitful northern whites, and aggrieved but dignified southern whites typifies the racist and villanizing treatment that Lost Cause adherents attributed to Reconstruction. The film's popularity around the country demonstrated the eagerness with which northern whites constructed and consumed the same myths. For anxious white northerners contending with the rise of corporations and labor unions, the influx of immigrants, and the instability of rapid urban growth, the idyllic vision of the plantation South represented the tranquility and control they desperately sought in their own lives.

From its inception, the Lost Cause interpretation was vigorously contested by African Americans like **Frederick Douglass** and later W.E.B. Du Bois. Douglass campaigned throughout the remainder of his life, as did many black veterans, insisting on the centrality of slavery as a cause of the war and on **emancipation** as its most important outcome. In 1935, Du Bois published his *Black Reconstruction*, which represented both a rebuttal to the Lost Cause and its demeaning characterizations of black people, and an alternative reading of the whole experience of Reconstruction. In Du Bois's view, the lower classes of the South, white and black, missed a crucial opportunity to build a more equitable society in the wake of war.

The work of Douglass and Du Bois continues to this day. Despite the outpouring of scholarship on the Civil War era, a few dominant ideas continue to influence popular conceptions of the period. Among these are the importance of state's rights as the prime justification of the war, the inevitable superiority of a modern urban-industrial North, and a blameless, honorable white South. Modern incarnations of the Lost Cause take care not to portray slavery as the positive good that most postbellum southern scholars did. They do this primarily by removing the whole issue from view. The importance of slavery to the antebellum southern economy is denied or ignored, as is its relevance to the war. The centrality of race to the experience of Reconstruction is thus lost as well, leading students back into a curiously truncated and inaccurate interpretation of the period as one of a noble lost cause. *See also* Bourbons; Congressional Reconstruction; Ku Klux Klan; New South; Scandals; Violence.

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*Aaron Sheehan-Dean*

## Louisiana

President **Abraham Lincoln** implemented some of Reconstruction's earliest steps in Louisiana, and the state was one of the last in the American South to have a Republican governor in the nineteenth century.

### *The Civil War and Wartime Reconstruction*

Louisiana, home to the South's largest city and gateway to its largest river, was an early target for Union forces during the Civil War. In April 1862, General **Benjamin F. Butler** led the federal military expedition that occupied New Orleans, and under his controversial guidance, Louisiana began renewing its ties to the Union. Lincoln had high hopes that Louisiana would provide a positive example of his **Presidential Reconstruction** policy, one that might be applied to the rest of the Confederacy. Lincoln's plan of restoration looked to a policy that would shorten the war by inviting southern states back to the Union under the most lenient of terms.

Although Butler and a sequence of other officers, notably General **Nathaniel P. Banks**, compiled administrative accomplishments, it was extremely difficult to reconstruct Louisiana as long as the Civil War continued and more than half of Louisiana was outside federal control. Despite these handicaps, **military governors** and Unionists put through some reforms, including drafting a new state constitution that abolished slavery, holding elections for the U.S. Congress, and setting up a new system of public **education** open to black as well as white students in New Orleans.

From 1862 to 1877, Louisiana served as a laboratory for political, social, and military experiments. The state demonstrated bitter partisanship and factionalism within its Republican and Democratic parties and various contributions to the process of Reconstruction made by so-called **scalawags** and **carpet-baggers**. In 1860, Louisiana's population was about 49 percent **African American**. Therefore, it was logical for blacks to hold office during Reconstruction on the local, parish (county), and state levels, indicating that the status of African Americans would change in the South and the nation. Louisiana also displayed a distressing amount of violence, as former Confederates responded to the new society produced by defeat and Reconstruction.

### *A Diverse and Divided State Republican Party*

From 1862 on, Louisiana's Republican factions seldom agreed on a unified course of action. These disagreements meant that their opponents (including Democrats, conservative Unionists, ex-Confederates, and some disaffected Republicans) gained their political footing and sometimes exploited openings created by the Republicans' factionalism. The strongest faction was the so-called "Custom House Ring." In the building on Canal Street in New Orleans

where the federal government collected the customs duties (tariffs), the Ring dominated the city, then serving as the state capital. The Ring consolidated behind the regular wing of the national Republican Party and supported President **Ulysses S. Grant**. Leaders of the Ring included U.S. marshal **Stephen B. Packard**, U.S. senator **William P. Kellogg**, U.S. customs official James F. Casey, brother-in-law of Grant's wife, and **Oscar J. Dunn**, a leading black politician.

Both Lincoln and Grant depended partly upon southern state leaders who had opposed secession and remained loyal to the Union—men stigmatized by the Democrats as being scalawags. Most scalawags were not Louisiana natives, but the most prominent had resided in the state for twenty years or more and established themselves in respectable professions and **agricultural** pursuits. They included Joshua Baker, an engineer and judge born in **Kentucky** and residing in Louisiana since 1822; Michael J. Hahn, born in the German state of Bavaria and residing in Louisiana since 1840; and Benjamin F. Flanders, a **railroad** executive born in New Hampshire and a Louisiana resident since 1843. Another was Louisiana native **James Madison Wells**, one of the state's controversial politicians of the postwar period. All of them held the office of governor during Reconstruction and three held other offices: Flanders was mayor of New Orleans; Hahn was a state legislator; and Wells was federal surveyor of customs at New Orleans. James G. Taliaferro, a native of **Virginia**, settled in Louisiana in the 1820s; and Thomas J. Durant, born in Pennsylvania, came to Louisiana in the 1830s. Taliaferro and Durant provided leadership to the fledgling Union-Republican Party and advocated civil and political reforms. As a **Radical Republican**, Taliaferro later sought the governorship in opposition to a fellow Republican in 1868. Within a few years, peer pressure from other southern whites and bitter politics undercut some scalawags' careers. Republicans began to turn to leaders from outside the state.

Carpetbaggers were northern men who moved to the South during or after the war, sometimes bringing their families with them. Opponents of Reconstruction not only condemned and vilified the carpetbaggers; they created a derisive negative label that smeared them during Reconstruction and ever since. However, detailed research by historians demonstrates a variety of motives, backgrounds, and actions by these settlers from the North. For example, originally from Vermont, William Pitt Kellogg entered politics in Illinois and served in an Illinois regiment during the war. Kellogg was elected U.S. senator and then Louisiana governor, and anti-Reconstruction forces attempted to overthrow his administration in street fighting in 1874. Stephen Packard, a Union army veteran from Maine, held the **patronage** post of U.S. marshal for Louisiana. He wielded considerable political influence and was nominated as the Republican candidate for governor in the contested **election of 1876**.

Because they were from out of state, politicians like Kellogg and Packard were easy targets for Democrats to stigmatize as carpetbaggers, but **Marshall H. Twitchell** was another type. A heroic soldier with the Vermont brigade during the war, Twitchell encouraged several members of his family to settle with him in north Louisiana. There, the Twitchells not only entered into business enterprises, but they also crusaded for black civil, political, and

economic rights. Twitchell tried to indicate his attachment to his new state by marrying the daughter of a local dignitary, but his enemies realized that Twitchell personified Reconstruction's social, political, and economic changes. Unknown assailants murdered seven members of Twitchell's family and severely wounded him, shooting him down in broad daylight and leaving him for dead. Distraught and crippled, he returned to Vermont.

Among the most significant carpetbaggers was **Henry Clay Warmoth**, a former Union officer from Missouri who was elected Louisiana governor, serving from 1868 to 1872. A flamboyant and powerful politician, Warmoth proposed a list of expensive state construction projects, appeared to foster an integrated public school system, worked with African American politicians, and seemed to support **black suffrage**. On the other hand, he let black **civil rights** slide and slipped over toward the Democrats, opposing President Grant and the Custom House faction. Consequently, Warmoth failed to unify Louisiana's Republican Party and opponents in the state house of representatives impeached him in 1872, but he remained a Louisiana resident until his death in 1931. Warmoth's impeachment suspended him from office and opened the way for an African American governor.

Louisiana had one of the largest pools of educated free and enslaved blacks in the United States before the Civil War. Born free in New Orleans, **Oscar J. Dunn**, gained recognition and gradually moved up in the Republican Party. Nominated as lieutenant governor, Dunn ran on Warmoth's ticket in 1868. Upon his election, Dunn became Louisiana's most influential African American political official. Suddenly, however, on November 22, 1871, Dunn died of an uncertain physical ailment. Promptly, replacements lined up, and Republican leaders decided that Dunn's office had to be filled by another African American. One possibility was state senator Caesar C. Antoine, a former barber from Caddo Parish and member of the state **constitutional convention** of 1867-1868. Antoine later served as Kellogg's lieutenant governor. Another prospect was Dunn's sharpest competitor, **Pinckney Benton Stewart Pinchback**. Born a slave in **Georgia**, Pinchback had worked as a riverboat steward and served in two federal military units, including as a captain in one. In politics, Pinchback also had held a seat in the 1867-1868 constitutional convention with Antoine and then was elected state senator. In December 1871, his senate colleagues picked Pinchback to complete Dunn's term. A year later, Pinchback understood that Warmoth was suspended from office while awaiting trial in the state senate, and thus for thirty-five days, he became the only African American governor of a state during Reconstruction (and the only black governor in the United States until Douglas Wilder was elected governor of Virginia in the late twentieth century).

### ***Democratic Opposition and Violence***

Although they tried, Democrats neither persuaded high-profile African American leaders to leave the Republican Party nor rallied the black vote—in part, at least, because of the Democrats' consistent use of **violence** during Reconstruction. By 1876, a few blacks had been intimidated or bribed into announcing that they would vote for Democrats, but employing violence and

threats of violence against white and black Republicans offset the claims by ex-Confederates that they would provide the best political home for freedmen and their families. Indeed, the prospect of violence hung like a pall over Louisiana and other southern states throughout the Reconstruction era. The threat of violence could not be offset or removed by either federal officials, such as U.S. marshals, federal attorneys, and the **U.S. Army**, or by state or local officers, including the Metropolitan Police (actually, what amounted to the Louisiana state **militia**), district attorneys, or county sheriffs. Violent acts by anti-Reconstruction forces, such as those perpetrated against the Twitchells, meant that unless federal or state officials happened to be nearby, ex-Confederates and their supporters could strike almost any time against Republican businessmen and their investments, schoolteachers and their schools (including ones enrolling black pupils), **church** leaders and houses of worship, and politicians, including mayors, town councilmen, sheriffs, judges, and state legislators. All Republicans, including businessmen, teachers, ministers, officeholders, and independent-minded farmers who were African Americans, became symbols of Reconstruction's new social, economic, and political order.

Not even the soldiers and officers of the U.S. Army could protect all Republicans all the time across Louisiana. Wartime volunteer "political generals" such as Butler and Banks were succeeded by professional officers educated at West Point, including Generals **E.R.S. Canby**, **Philip H. Sheridan**, **Winfield S. Hancock**, and William H. Emory. Each of them carried out duties as commander of army units in Louisiana in their own way, but all found their assignment difficult, especially when the scale of violence increased. The army's influence was strongest in Louisiana while the state was under the **Military Reconstruction Act** as part of the Fifth Military District in 1867–1868, but anti-Reconstruction forces harped on the assertion that because the army enforced *congressional* acts—guiding the drafting of Louisiana's new constitution, and protecting the new state government—the gubernatorial administrations of Warmoth and Kellogg were illegitimate. This assertion dismissed the fact that the Republicans brought together a majority of voters—native white Louisianans who had supported the Union or opposed the Confederacy, northern settlers, and African Americans.

Spectacular incidents of violence undermined the whole process of Reconstruction, and added the terrifying specter of mass violence to the menace of individual brutal acts. Such spectacular incidents occurred in other former Confederate states (such as the riot in **Memphis**, Tennessee, on April 30, 1866), but Louisiana tallied a terrible toll of killed and injured in civil disorders; most of those casualties were black and white Republicans. One of the worst was the **New Orleans riot** of July 30, 1866, in which dozens of people were killed and injured. Although the situation was ominous before the riot, the U.S. Army failed to take steps to prevent violence. City policemen failed to suppress the riot and instead became rioters themselves. Ironically, when combined with other factors, such as the opposition by President **Andrew Johnson** to rechartering the **Bureau of Refugees, Freedmen, and Abandoned Lands** (Freedmen's Bureau) and the proposed **Fourteenth**

**Amendment to the U.S. Constitution**, the New Orleans riot contributed to the willingness of congressional Republicans to pass the Military Reconstruction Acts of 1867.

Numerous other violent incidents marred Louisiana's record, some carried out by vigilantes belonging to the **White League** and the Knights of the White Camellia, groups similar to the **Ku Klux Klan**. Among them were the actions of armed whites who murdered several black leaders in St. Landry Parish in October 1868. In April 1873, at the town of Colfax, named for **Schuyler Colfax**, Grant's vice president, in Grant Parish, named for the president himself, an organized group of whites attacked the parish courthouse, resulting in more than 100 deaths or injuries, mostly to black men. In the town of Coushatta in Red River Parish in August 1874, as many as 1,000 White Leaguers detained several Republicans, including a deputy U.S. marshal. Although they let the marshal go, the Leaguers murdered their other unarmed captives, including Homer Twitchell.

Perhaps the most spectacular and well-organized violence occurred in September 1874 in New Orleans. Ex-Confederates and supporters of the defeated Democratic candidates in the gubernatorial election of 1872 sought to overthrow Governor Kellogg, and nearly succeeded. Rejecting the certified results of the election, Democratic candidate John D. McEnery arranged an inauguration ceremony at the time that Kellogg officially took the oath of office. Louisiana suffered the spectacle of dual governors. General Emory of the U.S. Army hoped that violence would not flare up, but decided against posting troops at key locations in the city. When street fighting occurred, he had no option but to send army units to assist Kellogg's Metropolitan Police. The Metropolitan, about half of whom were African Americans, were led by former Confederate general **James Longstreet**. One of the riot's leaders was David B. Penn, a former Confederate colonel and the defeated Democratic candidate for lieutenant governor. Penn led McEnery's shadow state militia—the White League. When the Leaguers heard that the U.S. Army was marching to assist the Metropolitan, the violence ended, leaving dozens dead and injured. Thereafter, Kellogg found it difficult to administer the state outside of New Orleans and some southern parishes.

Commentators in the nineteenth century and in later years tried to point to local or parish (county) tensions, rivalries, or antagonisms to explain these and other violent episodes. Taken together, however, such events showed the willingness of former Confederates and their supporters to employ domestic disorder on a large scale to block or cancel out the reforms of Reconstruction, including black male **suffrage**, holding office, serving in the militia, owning land, and serving on juries, as well as black children attending public schools. In violent clashes, blacks were the targets of white vigilantes, and blacks suffered the highest casualties. As a result of the violence, by the mid-1870s, some black and white Louisiana Republicans had decreased or ended their reform activities, left elective or appointive office, or moved out of the state.

During Reconstruction, violence in Louisiana produced notable cases before the U.S. **Supreme Court**. The ***Slaughterhouse Cases*** (1873) grew out of a dispute over the operation of a monopoly granted to a New Orleans

meat-processing business, but the real issue related to the Fourteenth Amendment's vital citizenship rights clauses. The Supreme Court ruled in a manner that restricted the reach of federal authorities to protect citizens' rights under the amendment, placing the burden of that protection back on the states. In another case, after white vigilantes attacked the courthouse in Colfax, several of them were arrested, including William Cruikshank. He was one of four whites convicted of murder. He appealed. In *United States v. Cruikshank* (1876), anti-Reconstruction forces gained further unexpected help from the Supreme Court. It concluded that Cruikshank had been improperly indicted: He should have been indicted for violating the rights of black citizens, but the case focused on the murders, which should have been handled in state rather than federal court. The ruling in *Cruikshank* further restricted the capability of the federal government to uphold the terms of the Fourteenth Amendment and the congressional **Enforcement Acts**.

In the presidential **election of 1876**, the Democrats' methodical applications of threats and violence in Louisiana and elsewhere in the South distorted the result of the canvass. It was dangerous in several Louisiana parishes for Republicans (white and black) to vote. Some towns or parishes that had recorded heavy votes for President Grant in 1868 and 1872 recorded few or no votes for **Rutherford B. Hayes**, the Republican presidential candidate in 1876. Democrats referred to their combined threats and applications of violence as "bulldozing." Bulldozing produced an election so close that Louisiana's Democrats and Republicans claimed victory. **James Madison Wells** and Louisiana's Republican returning board (the state election commission) certified the victory of Packard, with Caesar Antoine planning to continue serving as lieutenant governor. They were inaugurated. The Democrats again rejected the certified results. Democrats arranged for another returning board to claim a win for their candidate, former Confederate general **Francis R. T. Nicholls**, and inaugurated him. Again, Louisiana had dual governments. The outcome of the presidential vote bore directly on the state election. Deciding the outcome required establishing a special federal Election Commission, which declared Hayes the winner. However, Hayes indicated that he would withhold the army's support for Packard, placing the Democratic gubernatorial candidate, Nicholls, in office, and brought the traditional period of Reconstruction to a stunning conclusion.

For a decade after 1877, vestiges remained of the changes brought by Reconstruction. William Kellogg was elected to another term in the U.S. Senate in 1876, held his seat against a challenge, and then won election to the U.S. House of Representatives from 1883 to 1885. Louisiana voters elected four other Republicans to the U.S. House between 1877 and 1891, including Michael Hahn, who died in office in 1886. Scattered across the state, a handful of Republicans held office. Because African Americans appeared recalcitrant after 1877, Democrat "Redeemers" (who had "redeemed" the state for their party) sometimes employed violence against blacks—including lynching—as a means of repression or to channel the black vote to Democratic candidates. *See also* Amnesty Proclamations; Compromise of 1877; Congressional Reconstruction; Freedmen's Bureau Bills; Race Riots; Redemption.

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*Joseph G. Dawson III*

**Loyal League.** See Union League of America.

## Loyalty Oaths

Loyalty oaths were created during the Civil War to ensure that members of the Union were still loyal and as a way to usher the rebel states back into the Union once the war was over.

**Abraham Lincoln's** attorney general, Edward Bates, suggested that all employees of the departments take oaths of allegiance and by the second week of the Civil War loyalty tests began. Led by a Republican congressman, John F. Potter, a five-member committee was created to investigate which federal employees refused to take the oath. On August 6, 1861, Lincoln made it an official law that a loyalty oath was required of all federal and prospective federal employees. The oath affirmed future loyalty to the government and Constitution of the United States. Although not federally mandated, loyalty oaths swept across the nation in local forms based on the situation. Newspaper correspondents had to take oaths before they were allowed to accompany any federal expedition. Americans in European cities had to take oaths in order to renew visas and passports. In 1862, Lincoln signed into law the ironclad oath test. This required that all appointed or elected persons—except the president and vice president—to any U.S. government office, be it civil, military, or naval, take an oath attesting to past loyalty, meaning they never bore arms against the Union, and pledging future loyalty to the Union.

In December 1863, Lincoln presented his program of Reconstruction, which included an amnesty oath pardoning those former Confederates who pledged future loyalty to the Union. His so-called Ten Percent Plan also authorized the creation of state and local governments in those states, once 10 percent of the white male population (who had voted in 1860) took the oath and pledged to support the Constitution and all federal laws regarding slavery—including **emancipation** and the institution's impending **abolition**.



A growing sect of **Radical Republicans** in Congress opposed the leniency and minimal requirements put forth by the president. As an alternative to Lincoln's proposal, in 1864, congressional Republicans introduced the **Wade-Davis bill**, which required use of an "ironclad oath" that not only required *future* support of the Constitution (as under Lincoln's plan) but also a profession of *past* support. In other words, anyone who had supported the Confederacy, resigned a commission in the U.S. government or its military, or in any way aided the rebellion was automatically disqualified from voting or holding office. Lincoln, seeking a speedy reconciliation, pocket-vetoed the bill.

Following the **assassination of Abraham Lincoln**, **Andrew Johnson** seemed to offer hope to the more radical elements in the party. Although a southern Democrat, Johnson's position as a War Democrat since 1864 and his unswerving loyalty to the Union encouraged other Republicans. As **military governor of Tennessee** during the war, Johnson followed a hard line toward Confederates, so Radicals believed Johnson would support them in using the ironclad oath test to keep former rebels away from the polls and out of office. However, the war was over and the Union preserved, so the emergency had passed. Johnson, in his approach to Reconstruction, was at least as lenient as Lincoln, and in effect folded something very much like Lincoln's amnesty oath in his own program. From 1865 through 1867, the president and Congress battled over issues of amnesty, **disfranchisement**, and civil and political rights.

Following the **election of 1866**, Republicans in Congress gained the upper hand. With the passage of the **Military Reconstruction Acts** in 1867, most former Confederates found themselves swept aside by the **U.S. Army**, which was charged with enforcing these new Reconstruction measures—and using severe oaths to eliminate former rebels from the political arena. As a result, Republican **carpetbaggers**, **scalawags**, and newly enfranchised **African American** males seized control of most southern states. In 1868, the ratification of the **Fourteenth Amendment** nationalized the issue and softened the blow. The amendment largely removed the oath from the scene and replaced it with a carrot-and-stick approach, as former Confederates would be disqualified at a rate equal to the disqualification of black males. Finally, upon southern states' **readmission** to the Union, the issue of loyalty was subsumed back into the local sphere. Congress did not dictate that a readmitted state needed to measure the loyalty of its citizens, and so most states dropped the issue altogether. *See also* Amnesty Proclamations; Black Suffrage; Cabinets, Executive; Civil Rights; Congressional Reconstruction; Constitutional Conventions; Democratic Party; Joint Committee on Reconstruction; Pardons; Presidential Reconstruction; Republicans, Liberal; Republicans, Moderate; Stalwarts; Suffrage; Supreme Court; *Texas v. White*; U.S. Constitution.

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## Lynch, James D. (1839–1872)

James D. Lynch was among the throng of black leaders from the North who migrated to the South during Reconstruction. In **Mississippi**, Lynch established himself as an influential educator, speaker, minister, editor, and politician. He worked diligently to advance the issues he believed were seminal to black advancement—spiritual well-being, **education**, political rights, and economic empowerment. His early death, at the age of 33, deprived black Mississippians of one of their greatest advocates.

### *Antebellum and War Years*

Lynch was born on January 8, 1839, in Baltimore, **Maryland**. He was raised in relative freedom. His mother was a former slave, but her husband had purchased her freedom. Lynch's father made his living as a merchant and a minister. Lynch attended an elementary school operated by the reverend Daniel A. Payne of the Bethel African Methodist Episcopal (A.M.E.) **Church**. When he was 13, Lynch's parents sent him to Kimball Union Academy in Meriden, New Hampshire, one of the few schools in the region that accepted blacks at that time. Two years later, his father's business struggling to survive, Lynch was forced to leave due to financial hardship. Uncertain what to do with his life, Lynch moved to New York, where he taught for a time in Long Island, and studied for the ministry in Brooklyn.

Lynch's ministerial aspirations led him to train under Elisha Weaver, an A.M.E. minister, in Indianapolis, Indiana. After receiving his preacher's license, Lynch served at a small church in Galena, Illinois. He later moved to the **District of Columbia**, where he was ordained and preached at another church. In 1862, Lynch moved to Baltimore, where he ministered at Waters Chapel Church and married Eugenia Rice. In the same year, Bishop Payne challenged blacks to go to the mission fields of the South. Bitter war had erupted between the North and the South the previous year, and thousands of slaves had been freed as a result. Those thousands of slaves, Lynch and others believed, desperately needed guidance and assistance. Lynch responded to Payne's challenge.

In **South Carolina** and **Georgia**, Lynch ministered to several black regiments and helped establish schools for black children. In Savannah, Georgia, he delivered a moving speech at a meeting attended by black leaders, Secretary of War **Edwin Stanton**, and General **William T. Sherman**. He spoke boldly in support of racial integration. This was only the first of Lynch's many renowned political speeches. He was later elected secretary of the A.M.E.'s first southern conference. This was followed by a busy period of traveling, preaching, and teaching. Bewildered and unequipped for life in liberty, blacks flocked to Lynch, who was himself a symbol of what they could attain. He captivated them with his oratorical style and exhorted them with messages of hope and optimism. He delivered his sermons and speeches with passion, speaking to the hearts of the former slaves. He spoke of their sorrows and showed his understanding of their culture, their concerns, and their innermost desires.

In 1866, Lynch and his family moved to Philadelphia, Pennsylvania, where he edited the *Christian Reader*, a publication for the A.M.E. Church. After sixteen months, he left the Methodist Episcopal (M.E.) Church South and the A.M.E. Church, and lent his services to the M.E. Church North. Longing to recommit to his previous work with the former slaves in the South, Lynch and his family relocated to **Mississippi**. By moving back to the South, Lynch gave up a promising ministerial career in the North.

### *A Black Carpetbagger with a Cause*

Lynch quickly became a political and spiritual giant in Mississippi. Within a year of his return to the South, he had acquired 6,000 black members and established twenty meeting houses. His popularity grew as he further perfected his oratorical skills. Blacks walked for miles to hear him speak. Lynch used his influence to emphasize the need for **education** and to cultivate black voting power. He believed the Republican Party was the best advocate for blacks. He actively worked to help organize the Mississippi Republican Party, contributing greatly to its mass black support. With the coming of **Congressional Reconstruction**, white Republicans took notice and elected him vice president of the first state party convention in the fall of 1867. Lynch's political career gained momentum when he established the *Colored Citizen Monthly*, which he used to promote his views and kept blacks well informed. By the end of 1869, Lynch was one of the most prominent **black politicians** in the state, though he also maintained his commitment to the church.

In politics, Lynch held moderate views. As a result, he was more inclusive than his radical colleagues. Whereas the **Radical Republicans** wanted to exclude the former Confederates from voting and political power, Lynch endorsed **black suffrage** but did not support Confederate **disfranchisement**; indeed, he believed all males should vote. Whereas the local white conservatives wanted to limit black freedom and political power, Lynch espoused black rights and equality. As a result, he toiled to win not only black support but to convert Democrats. Although Lynch desired to integrate schools, he moved charily around this subject. He believed that an immediate radical approach could avert any chances of winning universal support. Lynch also endorsed black economic power. He believed that wealth and landownership would ultimately give blacks control of their lives. Thus, he opposed the **sharecropping** and crop-lien systems that many conservatives supported.

### *Uncommon Accomplishments*

A young, black outsider, Lynch accomplished an extraordinary amount in a short period. He helped manage public lands, enabling Mississippi to allocate lands for schools, and in other ways, helped move Mississippi toward its first free public school system. Lynch held numerous positions as well, including Freedmen's Bureau state assistant, superintendent for education, a member of the Mississippi Board of Education, and secretary of state for Mississippi in 1869 and 1871. He also edited *The Field Hand*, and founded and served as president of the Laboring Man's Association. Following his second stint as secretary of state, he served as a delegate to the National Republican

Convention in 1868. Although he did not obtain his party's nomination for Congress, he campaigned in Indiana for the Grant-Wilson ticket. Upon his return to Mississippi in late 1872, Lynch died unexpectedly from a bronchial infection and Bright's disease.

Lynch was the first known black leader in Mississippi to be buried alongside other state dignitaries in the all-white Greenwood Cemetery in Jackson, Mississippi. The Republican-dominated state legislature appropriated \$1,000 toward a monument in his honor. During the **Jim Crow** era, whites challenged the presence of Lynch's remains in the segregated cemetery. Members of the Ladies Auxiliary Cemetery Association were granted permission to remove his remains and the monument erected in his honor. However, the organization never followed through, and James D. Lynch and his monument remain at Greenwood Cemetery today. *See also* African Americans; Black Politicians; Bureau of Refugees, Freedmen, and Abandoned Lands; Carpetbaggers; Contraband, slaves as; Contracts; Democratic Party; Edisto Island, South Carolina; Elections of 1868; Emancipation; Field Order No. 15; Freedmen's Relief Societies; Labor Systems; Military Reconstruction Acts; Port Royal Experiment; Republicans, Moderate; Revels, Hiram R.

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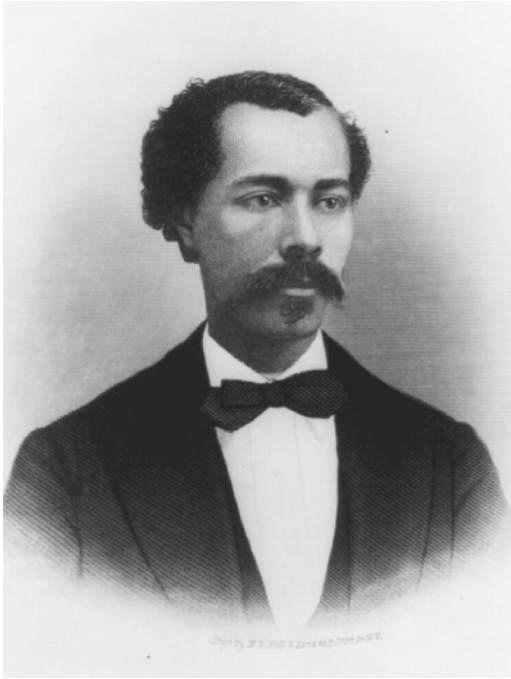
*Gladys L. Knight*

### **Lynch, John R. (1847-1939)**

John Roy Lynch, first black congressman from **Mississippi**, Reconstruction historian, lawyer, soldier, and businessman, was one of the most distinguished leaders of the Reconstruction and post-Reconstruction eras.

#### ***Humble Slave Beginnings***

Born near Vidalia, **Louisiana**, on September 10, 1847, on his father's plantation, Lynch remained a slave until the Civil War. His white father and slave mother also had at least two other children. Although Lynch's father had promised to free Lynch's mother and children, he died before he had completed the official paperwork. A trusted friend failed to carry out his charge, and instead sold Lynch and the rest of his family to a prominent Natchez, Mississippian, Alfred V. Davis. Lynch served as Davis's body servant until 1863, when the young slave escaped to Union lines as northern troops approached Natchez. Lynch then worked in the Union camp and later as a waiter on a naval vessel. After the war, with Natchez occupied by Union troops, he was



John R. Lynch. (Courtesy of the Library of Congress.)

able to get his only formal **education**, attending night school for four months until the school closed. He furthered his education by reading on his own and listening to the lessons at the white school across the alley from the photographic studio where he worked and eventually managed.

### *Reconstruction Politician*

With the coming of the Republican Party to the South—following the passage of the **Military Reconstruction Acts** in 1867—Lynch began to move into politics. It seemed a logical progression: Aristocratic in appearance, slender, with a light complexion and impressive oratorical skills, Lynch seemed a natural **African American** leader. As Mississippi crafted its new government under **Congressional Reconstruction**, Lynch joined the Republican Party and campaigned for black **civil rights** and the new state constitution. Impressed with the young man's abilities, Governor **Adelbert Ames** appointed Lynch a Natchez justice of the peace.

After serving for a year, Lynch entered the Mississippi legislature in 1870 as the representative from Adams County, where he served for three terms. Although blacks represented a minority in the state house of representatives and Lynch was only in his mid-twenties, he was elected speaker in 1873. Democrats and Republicans, whites and blacks, praised his intelligence, his speaking abilities, and his impartiality. Indeed, one **Democratic Party** member admitted that there were few who could exceed Lynch's skills as a stump speaker. As a state legislator, Lynch introduced legislation attempting to declare the **Ku Klux Klan** illegal, to establish a university for blacks, and to provide for integrated seating in public transportation. He also fought the convict-lease system and urged the governor to request federal troops to counter **violence** in Mississippi.

In November 1872, citizens of Mississippi's Sixth Congressional District elected Lynch to the U.S. Congress, choosing him over the white Republican incumbent, L. W. Pearce and then over his Democratic opponent, Judge Hiram Cassidy. Taking his seat in December 1873, Lynch entered as the youngest member of the 43rd Congress, the first black congressman from Mississippi, and only one of twenty-two blacks to serve in Congress between 1870 and 1901. Reelected to the 44th Congress, Lynch was the only Republican to win a congressional seat from Mississippi for that term, narrowly defeating Democrat Roderick Seal, a prominent antebellum politician and Confederate war hero. While in Congress, Lynch worked in many ways to ensure fair elections and a life for all free of intimidation. For example, he spoke forcefully for the enactment of stronger **enforcement** legislation to

protect equal rights in the South and worked energetically for the passage of the **Civil Rights Act of 1875**, which banned discrimination in public accommodations (later declared unconstitutional by the U.S. **Supreme Court** in the *Civil Rights Cases* of 1883).

### *After Redemption*

However, Lynch could not survive the white Mississippians' "**redemption**" techniques of violence, intimidation, and corruption; he lost in November 1876 by 4,000 votes to Confederate general James R. Chalmers, who had commanded the troops at the Fort Pillow massacre. Although he appealed to Congress, charging the Democrats with fraud, the Democratic majority on the House Committee on Elections refused to consider his case.

In November 1880, Lynch again ran for Congress against Chalmers. In another close contest, Lynch was declared the loser, only after the Democratically-controlled election board threw out thousands of votes. This time, the Republican majority in Congress listened to Lynch's charges of fraud and, on April 27, 1882, voted to seat him. In this, his last term in Congress, he introduced bills attempting to ensure honest elections, to provide relief for orphans, and to reimburse depositors who had lost money in the **Freedman's Savings and Trust Company**. After losing by narrow majorities in his 1882 and 1884 bids for Congress, Lynch retired from elective politics. Throughout his congressional career, he had been one of the most influential blacks in the country, frequently consulting with Presidents **Ulysses S. Grant** and **James A. Garfield**.

Returning to Natchez as a private citizen, Lynch engaged in agricultural and real estate ventures, eventually owning several plantations and other property in the Natchez area. He also invested in a black-owned bank and, in 1897, became its president. Politically, he served as chair of the Republican State Executive Committee from 1881 to 1892, advocating fusion of Mississippi's Republicans with Independent-Populists, and as a delegate from Mississippi to five Republican national conventions. In 1884, as the first black to serve as the temporary chairman of a party convention, Lynch delivered the convention's keynote address, urging party unity and attacking the Democrats' fraudulent election practices. At the 1888 Republican National Convention, Lynch served on the most important committees—the committee on resolutions and the subcommittee that prepared the platform. He also served as fourth auditor of the Treasury Department during President Benjamin Harrison's administration.

After resigning the auditor position in 1893, Lynch returned to Mississippi, read law, and passed the Mississippi bar in 1896. He then returned to Washington, D.C., where he practiced law and wrote articles advocating black rights. In 1898, at the age of fifty-one, he embarked on a new career as an officer in the **U.S. Army**, answering President William McKinley's call for black officers at the start of the Spanish-American War. Serving as a paymaster, Lynch traveled to Cuba, Haiti, other Caribbean islands, and the Philippines. Lynch had married Ella W. Somerville in 1884, with whom he had a daughter, but that marriage ended in divorce in 1900. Upon his retirement from the army in 1911 with the rank of major, Lynch married Cora E. Williamson of Chicago and moved to Chicago, resuming his law practice.

### ***Reconstruction Historian***

More important, Lynch took up the task of correcting what he saw as the errors historians of Reconstruction were making. In 1913, he published *The Facts of Reconstruction*, attacking the histories of James Ford Rhodes, William A. Dunning, and their many students. Writing that his goal was “to bring to public notice those things that were commendable and meritorious” during Reconstruction, Lynch denied the Dunning school’s story of greedy **carpet-baggers**, corrupt **scalawags**, and ignorant blacks. Rather, he detailed his experiences in Mississippi, contending that the southern Reconstruction governments accomplished a great deal of good, broadened democracy, and were neither corrupt nor inept. He continued this fight against historical distortion when he published articles in the *Journal of Negro History* in 1917 and 1918, later published in 1922 as a book entitled *Some Historical Errors of James F. Rhodes*. Arguing against Rhodes’s claim that illegal election methods were needed to overthrow “Negro domination,” Lynch demonstrated that Republicans, not blacks, dominated. Further, he contended, the Reconstruction governments were the only governments in the South to ever have a truly Republican form of government. At his death, he was writing his *Reminiscences of an Active Life*; in 1970, this was edited and published by John Hope Franklin and the University of Chicago Press. Those reminiscences detail Lynch’s life, including his struggles to win elections in the face of white hostility and fraud and his role in Reconstruction politics. Lynch died in Chicago on November 2, 1939, at the age of ninety-two. He was buried in Arlington National Cemetery with full military honors. *See also* Black Politicians; Constitutional Conventions; Contraband, Slaves as; White League. Also consult the Introduction for coverage of the various trends in Reconstruction history.

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*Roberta Sue Alexander*

# **ENCYCLOPEDIA OF THE RECONSTRUCTION ERA**



## **Greenwood Milestones in African American History**

Encyclopedia of Antislavery and Abolition

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Encyclopedia of the Reconstruction Era

*Edited by Richard Zuczek*

# ENCYCLOPEDIA OF THE RECONSTRUCTION ERA



Volume 2: M–Z  
and Primary Documents

Edited by  
Richard Zuczek

Foreword by  
Eric Foner

Greenwood Milestones in African American History



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*To Etsuko, Les, Paul, Rob, and Anne,  
five amazing people with one thing in common—faith in me*

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# M

## Marvin, William (1808–1899)

William Marvin became **provisional governor** of **Florida** in 1865 and oversaw the state's first effort to restore its formal relationship with the Union after the Civil War. Under his tenure, Florida drafted its first postwar constitution, ratified the **Thirteenth Amendment**, and elected new members to Congress. Marvin was also elected as one of Florida's senators under **Presidential Reconstruction**, although he never served because of the 39th Congress's refusal to seat the representatives of states reconstructed under **Andrew Johnson's** Reconstruction program.

William Marvin was born on April 14, 1808, in Fairfield Herkimer County, New York, and spent most of his early years deeply involved in the Methodist Church (see **Churches**). In 1830, he abandoned what had become a growing passion for the ministry, deciding instead to pursue a career in law. Marvin enjoyed much early success as a lawyer and later as a judge. In 1835, Andrew Jackson appointed him to the post of district attorney for the southern district of Florida. This appointment led to him later becoming involved in Florida politics, serving in the state's territorial assembly, **constitutional convention**, and, ultimately to his active participation in the drafting of what would be Florida's first constitution in 1845. Another series of judicial appointments, the last by President James K. Polk in 1847, drew him out of politics until after the Civil War.

After the defeat of the Confederacy, President Andrew Johnson, following the advice of future Florida governor **Harrison Reed**, appointed Marvin provisional governor on July 13, 1865. As governor, William Marvin encouraged Florida's white citizens to accept defeat and slavery's **abolition**. He openly embraced the idea of **African American** citizenship and **civil rights**, but held many reservations regarding extending **suffrage** to blacks.

In addition to his overseeing Florida's **readmission** to the Union under Presidential Reconstruction, Marvin oversaw the applications for **pardons** submitted by ex-Confederates excluded under Johnson's **amnesty proclamations**. During his tenure as governor, there were very few applications for amnesty that he did not endorse, and he often found himself supporting pardons for residents of the state who were openly hostile to him for supporting the Union during the war. Marvin's lenient attitude toward these men, in addition to his calls for reconciliation and rapid restoration, led to the state assembly electing him to represent Florida in the U.S. Senate. However, when he arrived in Washington, D.C., and presented his credentials, congressional Republicans denied him and other southern representatives their seats. This was Marvin's last major political act on behalf of Florida.

He returned to the state, but became disillusioned with Reconstruction and especially the specter of African Americans voting. Marvin left Florida during the 1880s and retired to Skeneateles, New York, where he died in 1899. *See also* Black Codes; Black Suffrage; Carpetbaggers; Civil Rights; Congressional Reconstruction; Democratic Party; Emancipation; Joint Committee of Reconstruction.

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*Learotha Williams, Jr.*

## Maryland

During the Civil War, the border slave state of Maryland remained loyal to the Union, and its location assured that it became a battleground contested by the armies of the United States and the Confederacy. As such—a slave state that was not part of the Confederacy—Reconstruction here was unique, relatively brief and largely self-determined. Throughout the war and its aftermath, the divided loyalties of Marylanders complicated efforts at providing security to the state's newly freed slaves and also compromised attempts to legislate **suffrage** (the right to vote) to black males. A considerable minority of white Marylanders had supported the Confederacy; some 20,000 had taken up arms against the Union. Their return to the state and the anger of many Marylanders over their changed circumstances shaped the state's postwar political, economic and racial course until the restoration of control to the **Democratic Party** in 1867.

### *Wartime Reconstruction*

As with other areas under Union control, Reconstruction began in Maryland even before the Civil War ended. In the summer of 1864, during a period when the Unionist Republican Party (also called Unconditional Unionists) controlled the legislature, leaders of that organization rewrote the state constitution. The most significant measure of this new constitution **emancipated** Maryland's 87,189 slaves, some of whom had already emancipated themselves by serving in the Union army and navy and by fleeing the farms

and plantations where they had been enslaved. Dealing with the kind of issues that would confront other southern states in the late 1860s, Maryland's constitution of 1864 also reapportioned the state legislature by basing representation on white, not total, population. The archaic earlier arrangement had given disproportionate power to slaveholding planters in southern Maryland and on the Eastern Shore, where more than 80 percent of the state's slaves lived. Maryland also had one of the largest free black populations in the United States (**African Americans** in the South who were *not* slaves before the war), and under the new constitution they would be counted for apportioning of legislative seats, although they could not vote. The new constitution also established registration procedures for prospective voters. It required an oath for all white males in which the potential voter swore allegiance to the **U.S. Constitution** and government. The intention, of course, was to **disfranchise** those white Marylanders who had supported or fought for the Confederacy.

Democrats—who constituted one-third of the 1864 convention—voted against the final version of the state constitution. Their objections were based on a persistent hope that slaveholders would receive federal or state compensation for what they still considered their private property. They specifically opposed emancipation, hoping that slavery could somehow survive. In a preview of the racial attitudes that made Maryland's Reconstruction so brief, Democrats raised the specter of what they called a loathsome “amalgamation, equality and fraternity” with blacks. The campaign for ratification of this new constitution merged with the national **election of 1864**. Thus, the fate of President **Abraham Lincoln**, the Unionist candidate for governor, Thomas Swann, and the new constitution were rolled together. Only the favorable soldier's vote saved the Maryland constitution in a very close referendum, as traditional areas of Democratic support overwhelmingly rejected the new charter. Many Unionists also failed to vote in a process in which customarily few voters participate.

### *Adaptation in Postwar and Postemancipation Maryland*

When the war ended five months later, the return of Maryland's soldiers to civilian life was not an easy one. Veterans returned to untended farms, without the slave labor available to make the tobacco crop. There were clashes between former Confederate and Union soldiers. Former slaves moved about the state and into the **District of Columbia** in efforts to find family members. These early years of Reconstruction were further complicated by the deterioration of relations between the races. In the summer of 1866, whites in Anne Arundel County invaded a black religious meeting and assaulted Methodist worshippers. Blacks attempting to establish schools during the postwar period found their efforts impeded by a state government that refused to apply taxes collected from blacks for black schools. There were assaults on black schoolteachers and instances of the burning of black schools. In Baltimore, white caulkers refused to work alongside blacks, just as whites refused to sit by blacks in the city's public transportation facilities.

In their efforts to reexert control over the African American community, many Maryland whites tried to return blacks to a virtual form of slavery by



means of an apprenticeship system. Hurrying to Orphans Court, farmers and planters, manufacturers and merchants applied for apprenticeship contracts that severely limited the authority of black parents over their children. By 1867, more than 3,000 black minors had been bound over to their former masters. The state's version of the **Black Codes** required that blacks be employed, outlawed black testimony against whites, and sought to restrict travel, but these discriminations were contested in state courts after Congress passed the **Civil Rights Act of 1866**.

**Agriculture** and attending labor issues were among the most pressing problems in Maryland. The importance of congressional legislation to the circumstances of blacks in Maryland was also apparent in the work of the **Bureau of Refugees, Freedmen, and Abandoned Lands** (the Freedmen's Bureau). Although understaffed, the officers of the bureau in Maryland established work **contracts** with planters for former slaves requiring reasonable wages and housing. In time, these arrangements followed the **sharecropping** contracts emerging in the post-Confederate South that bound blacks to the land for a return of part of the crop, but there were efforts to establish Maryland's blacks as landowners as well. In Maryland's version of the failed forty-acres-and-a-mule policy, the Freedmen's Bureau in St. Mary's County set aside land where for over a year, 500 blacks successfully farmed 3,000 acres abandoned by previous owners who had moved to the Confederacy during the war. However, this was only a temporary arrangement and a mirror of what took place throughout the state (and much of the South) when the owners came back to the state and received **amnesty** from President **Andrew Johnson**: These "Government Farms" reverted to white planters. By 1880, nearly two-thirds of all Maryland's black farmers were sharecroppers, about 10 percent were tenant farmers, and less than a quarter owned their own land.

Among the changes for blacks was the proliferation of segregated schools, some funded by private groups. Maryland Quakers were especially active in this cause through the Baltimore Association for Moral and Educational Improvement of Colored People, which helped set up more than 100 schools throughout the state, along with a school to train black teachers.

During this period of readjustment, there were significant economic changes. Baltimore, the commercial center of the state, now became a **railroad** center more dependent on the transportation of wheat, corn, and fertilizer than cotton and tobacco. The manufacture of clothing and the canning industry also emerged as essential enterprises, and the state's most important railroad, the Baltimore and Ohio, spurred the development of ancillary iron foundries, as during the period of Reconstruction, the city moved into the industrial age.

### *The End of Reconstruction*

Governor Thomas Swann, who took office in 1865, supported emancipation but opposed, like most Marylanders, the **black suffrage** that was crucial to protect the rights of former slaves. Swann became the chief agent of a coalition of Democrats and Conservative Unionists intent on returning the state to those who intended to preserve the system of white domination and

political control by former slaveholding counties. Recognizing the power of the Democrats in Maryland, in 1866, he appointed registrars who supported the claims of former Confederates that they should be allowed to vote. He praised Andrew Johnson and his lenient program of restoration (even though it did not apply directly to Maryland) and denounced the divided Unconditional Unionists. Even that faction's efforts to "wave the **bloody shirt**," an effective campaign cry for Republicans in other states, could not prevent the return of the Democrats to control of Maryland.

By 1867, the Democrats led by Swann—who had switched parties—controlled 60 percent of the state legislature, a domination that continued into the twentieth century. Now Maryland's political future belonged to a political party that played on white voters' racism to seize and maintain political power. Once in power, the Democrats wrote a new constitution in 1867 that omitted the oaths that had restricted ex-Confederates from holding office. They made it easier to elect judges of their own persuasion. In the **election of 1868**, Maryland supported the Democratic presidential candidate **Horatio Seymour**, as Marylanders of both parties continued to oppose the **Fifteenth Amendment**, which enfranchised black males. Under the national amendment, blacks began voting in local elections in 1870, but as a minority, they never became a solid base for the Republican Party or reached the 20 percent they represented in the general population. With the government firmly in the hands of the Democratic conservatives, Maryland's future was under the control of those who believed in a white man's government. *See also* Bourbons; Churches; Congressional Reconstruction; Education; Field Order No. 15; Fourteenth Amendment; Jim Crow Laws; Labor Systems; Loyalty Oaths; Pardons; Presidential Reconstruction; Redemption; Violence.

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*Jean H. Baker*

### **McCardle, Ex parte (1868)**

One of the earliest and most controversial of the Reconstruction court cases, *Ex parte McCardle*, was a significant victory for **Congressional Reconstruction**, and, some argue, a serious setback for the federal government's balance of powers.

William McCardle, editor of the *Vicksburg Times*, was an outspoken critic of the **Military Reconstruction Act**, passed in 1867. In that year, McCardle was arrested by the **U.S. Army** in **Mississippi** after writing and publishing articles critical of Congressional Reconstruction. He was held in custody by the military, awaiting a trial by a military commission.

While detained, McCardle sought a writ of *habeas corpus*, claiming that his arrest and detention under the Military Reconstruction Act was unconstitutional. His claim was denied in the district court, so McCardle appealed to the

**Supreme Court** under the Habeas Corpus Act of 1867. The Court agreed to hear the case and denied a motion to dismiss for lack of jurisdiction brought by other branches of the government. After hearing that this motion to dismiss was denied, **Radical Republican** leaders in Congress feared that the Supreme Court might declare the Military Reconstruction Act unconstitutional. This legislation formed the backbone of Congressional Reconstruction, and such a move could dismantle the entire Reconstruction program. As it had done earlier in battles with President **Andrew Johnson**, Republicans acted to protect their authority over the Reconstruction process. In March 1868, the Congress passed a bill repealing the Habeas Corpus Act, under which McCardle had appealed to the Supreme Court. This deprived the Supreme Court of jurisdiction over the case. As expected, President Johnson vetoed the bill, but Congress passed it over his veto.

The Court, already examining the case, reacted strangely. In its decision, handed down on April 12, 1868, the Court validated the actions of the Congress and dismissed McCardle's case on the grounds for want of jurisdiction. In an opinion by Chief Justice **Salmon P. Chase**, the Court held that congressional withdrawal of the Court's jurisdiction was not unconstitutional, but was part of the Congress's power over appellate jurisdiction under Article III of the Constitution. Others, then and now, disagreed, claiming that Chase, a Radical, was merely protecting the Reconstruction program and this decision set a dangerous precedent for congressional activity. Those who see an unnecessary—or even unconstitutional—expansion of congressional power equate this victory over the Court as equal to Congress's victory over the executive, in the **impeachment** of Johnson. For the time being, no one could challenge the Republicans in Congress. *See also Milligan, Ex parte*; U.S. Constitution.

**Further Reading:** *Ex parte McCardle*, 74 U.S. 506 (1868); Kutler, Stanley. *Judicial Power and Reconstruction Politics*. Chicago: University of Chicago Press, 1968.

Daniel W. Hamilton

### McCulloch, Hugh (1808–1895)

Fiscal and political conservative, McCulloch was a key member of the **cabinets** of **Abraham Lincoln** and **Andrew Johnson**. As comptroller of the currency (1863–1865) and secretary of the treasury (1865–1869), Hugh McCulloch kept the resumption of specie payments and the sanctity of the public credit at the forefront of the critical economic debates during the Reconstruction years. His conservative financial practices prevailed in the long term as the Union war debt was effectively refunded, the public credit maintained, and specie resumption finally achieved in 1879.

Born in Maine, McCulloch attended Bowdoin College, but left to study law in Boston. He moved to Indiana in 1833 and opened a law practice in Fort Wayne, where he met and married Susan Mann, and they had at least four children. By the mid-1830s, he entered the banking business, working his way up to the presidency of the state banking system by 1857. A Whig in politics, he moved easily into the new Republican coalition during the 1850s, and in 1863, Secretary of the Treasury **Salmon P. Chase** invited him to become the

first comptroller of the currency, a critical post with the Union at war. After helping launch the national banking system, McCulloch accepted Abraham Lincoln's offer of the treasury portfolio in March 1865, and served as secretary through Andrew Johnson's administration.

Johnson found in McCulloch an able ally, a man of similar conservative views. McCulloch first met Johnson during the war, when the latter was **military governor** of **Tennessee**; Johnson was in Indiana on one of his various prowar speaking tours. When Johnson became president, and McCulloch learned he could stay on as treasury secretary, he was both grateful and concerned; McCulloch feared that Johnson was a drunkard because of the rough and confusing nature of his vice presidential inaugural address. The secretary learned that Johnson had been ill, and that his southern stump-style speaking often made him look less intelligent and rather hostile. As their relationship developed, McCulloch respected Johnson for the latitude he provided, as the secretary was given free reign over national finances and department **patronage** with minimal presidential interference. Johnson used McCulloch as a sounding board, and together they helped craft the ill-fated **National Union Movement** of 1866. When everyone from soft-money advocates to tax evaders to New York's notorious "whiskey ring" called for his resignation, Johnson stood by him.

Financially, McCulloch's two most daunting postwar challenges were managing the Union war debt of \$2.85 billion and finding a way back to the resumption of specie payments—to make the paper currency created during the war convertible at par into gold. Forced off the gold standard in 1861, the North resorted to some \$700 million in nonspecie-backed paper money, U.S. notes ("greenbacks") and national bank notes, which quickly depreciated—at the war's end, a greenback dollar commanded only about 67 cents in gold. McCulloch firmly believed that specie resumption necessitated contracting the currency volume until the greenbacks reached parity with gold, and, laboring under congressional limitations and opposition from soft (paper) money interests, he retired about \$44 million in greenbacks before Congress prohibited further contraction in 1868. Although it took another decade of rancorous debate over monetary policy to reach specie resumption, McCulloch's contractionist policy eventually prevailed.

McCulloch had more immediate success in consolidating many short-term and high-interest varieties of wartime debt into "five-twenties," a stable series of bonds payable in five years and redeemable in twenty, bearing 6 percent interest in gold. Soft money interests argued that the principal of the five-twenties should be paid in depreciated greenbacks, but in 1869, Congress passed the Public Credit Act pledging to pay the principal as well as the interest on the bonded indebtedness in coin, sustaining McCulloch's position.

McCulloch went back to private finance after **Ulysses S. Grant** took office in March 1869, partnering for a time with Jay Cooke. He returned to public service briefly as secretary of treasury in the waning days of Chester A. Arthur's administration. In 1885, he retired to his farm near Washington, where he wrote his memoirs toward the end of a long and productive life. *See also* Elections of 1868; Panic of 1873; Presidential Reconstruction; Scandals; Sherman, John; Swing Around the Circle; Washington's Birthday Speech.

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Terry L. Seip

## Memphis Riot (1866)

The Memphis riot constituted some of the worst urban bloodshed in American history and, at the same time, typified color-based **violence** that occurred between the first days of black freedom and the Second World War.

### *An Account of the Riot*

On May 1, 1866, in Memphis, **Tennessee**, a street brawl erupted among several policemen and a group of blacks recently discharged from the **U.S. Army**. The conflict began on South Street, in an entertainment section that featured numerous taverns. The disturbance quickly escalated into a full-scale battle between the police department, overwhelmingly Irish immigrants, and virtually all **African Americans** wearing Union blue in the downtown area. Around nightfall, the former soldiers took refuge in Fort Pickering, which sided on the same thoroughfare. Therein, white federal troops, who had been occupying the city since the Civil War, disarmed and detained them.

Later that evening, frenzied white mobs began a forty-hour pogrom that lasted, with relaxation breaks, until the afternoon of May 3. Their target was South Memphis, a low-income biracial community that had grown rapidly after slavery's death in Tennessee. The fury of the gangs killed 46 blacks, wounded between 70 and 80 others, robbed at least 100, severely beat 10 more, raped 5 women of color, and burned to the ground 89 African American residences, 4 **churches**, and 12 schoolhouses. The crowds killed no whites but, on May 3, after the predatory bands had wearied, one white man was murdered by another for drinking in a saloon with a black acquaintance. Two whites—a fireman and a policeman—died in the Tuesday afternoon street battle. The local press gave these lost civil servants vastly disproportionate publicity.

Irish police and fire personnel made up more than half of the mobs' participants. Yet, at least 40 percent of the rioters were native born and included artisans, shopkeepers, and professionals. They enjoyed more than the tacit support of the city's white upper class. Indeed, prominent rioters included the judge of the recorder's court, the editor of the city's leading racist newspaper—the *Daily Avalanche*—and the attorney general of Tennessee. Mayor John Park played an enigmatic role during the bloodshed; without smiling, his supporters put forth the curious justification that he was intoxicated much of the time.

Most historians agree that these and other atrocities wholly discredited President **Andrew Johnson's** program of **Presidential Reconstruction**, helped the **Radical Republicans** sweep the congressional **elections of 1866**

and take a veto-proof majority to Washington, and set in motion a process that led ultimately to President Andrew Johnson's **impeachment** and Senate trial.

### ***Background: A City of Tensions and Turmoil***

War, **emancipation**, and **abolition** had brought enormous cultural shocks to Tennessee, as it had to all former Confederate states. Freedpersons flooded into Nashville, Memphis, and other urban areas. In the South, liberated blacks had never concentrated in neighborhoods of their own; now their shantytowns became the state's first African American ghettos. Before the war, Memphis had fewer than 4,000 blacks, living among whites as a subordinate caste who could not threaten white supremacy. Former-Confederate whites, returning after hiding in the countryside, were aghast at what they saw. According to a Union army census conducted in mid-1865, some 16,509 freedpersons lived in greater Memphis, including nearby President's Island. The figure represented a 400 percent increase since 1860 and more than half of the city's overall population of 27,703. Nearly one-third of blacks were children or individuals too old or sick to work, many existing on assistance provided by the **Bureau of Refugees, Freedmen, and Abandoned Lands**.

Problems always attend indigent populations, but racism put everything in starker relief. No matter what the newcomers did, older residents resented them. Able-bodied persons of color competed for work on the levees and wharves and in the depots, taking previously "white" jobs, and depressing wages through their sheer numbers. These blacks enjoyed tangible success. By early 1866, they possessed eight churches and owned 500 hacks, various stores, several saloons, fruit stands, lunchrooms, and sponsored a Colored Barbers' Association. Although the state still prohibited the **education** of African Americans, by late 1865, there were 22 black schools with 1,101 pupils in daily attendance, not including 1,549 black soldiers at Fort Pickering's regimental schools. Given the South's desperate postwar economic conditions, the many white refugees in the city, and the thousands of Irish immigrants seeking employment, many deeply resented black economic advancement.

Equally haunting to whites was the mythical, racist specter of a criminal, even violent, free black underclass. In a society that had always feared runaway slaves and slave rebellions, there were now young, free, African American men, some with no employment or families. Lacking other alternatives



Two sketches from *Harper's Weekly* of the riots in Memphis: "Burning a Freedmen's Schoolhouse" and "Shooting down Negroes." (Courtesy of the Library of Congress.)

and opportunities, some did turn to crime. Black women often adjusted more successfully to the urban environment; white, middle-class, southern ladies insisted on having them as maids, either from necessity or as status symbols. Men of color seemed expendable.

Added to the social and economic disorder was the culture of Memphis itself. Confederate flags flew defiantly and southerners insulted Yankees and freedpersons alike. The city's police force was afforded no training, and the officers wore no uniforms—only badges. They were permitted to drink, gamble, and loiter while on duty. They were certainly not pleased when African American elements of the Union army arrived in Memphis. Ill-defined and overlapping jurisdictions complicated an already explosive situation. Like the white police, soldiers with time on their hands drank heavily and frequently. With members of both groups constantly armed, bloodshed seemed almost inevitable. Arrogant or disorderly conduct by black soldiers was outrageous to whites accustomed to blacks as slaves.

Altercations between **black troops** and white Memphis policemen became routine during the spring of 1866, and exploded into mayhem from May 1 to May 3. All over the South, the struggle to establish the boundaries around black conduct was brutal. By 1867, native whites also had fought freedmen in the streets of Charleston, Norfolk, Richmond, Atlanta, and New Orleans. In essence, every riot pitted black determination to be free against white insistence on returning to the old discipline and etiquette. The Memphis conflict was also reminiscent of antiblack urban **race riots** that had racked the northern cities of Philadelphia, Cincinnati, and Columbia, Pennsylvania a few decades earlier. Race relations even permeated the most infamous northern riot, the New York City draft riot of 1863.

Although demography, tension, hysteria and other factors probably made some sort of confrontation in South Memphis inevitable, the violence of May 1 was not spontaneous. The date chosen was more than a coincidence. It was the day after the last black troops in the city had been discharged and became civilians. As soon as these men lost their Union army status, they were vulnerable, viable targets.

To Americans in the late twentieth and early twenty-first centuries, the term “race riots” connotes angry, aggressive black youths battling civil authorities, as colonial peoples might resist their occupiers. Until after the Second World War, however, the vast majority of violent racial incidents featured beleaguered blacks unsuccessfully trying to defend themselves against mass white invasions of their communities. The upheavals in Memphis were arguably the worst of the Reconstruction era, but certainly not the last in U.S. history. They perpetuated a pattern of enforcing white supremacy, by whatever means necessary, that terrorized African Americans for 125 years. *See also* Black Codes; Contracts; Congressional Reconstruction; Labor Systems; Militias; National Union Movement; Vagrancy.

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*James G. Ryan*

## Military Governors

For Reconstruction efforts during the Civil War and after, the title of military governor was applied to civilians appointed to hold volunteer army commissions, or civilian administrators with the authority to act directly on behalf of the federal government. After Union troops began occupying areas in some of the Confederate states, President **Abraham Lincoln** appointed men to the position of military governor. In each case, Lincoln neglected to spell out the specifics of military governors’ authority. Instead, the president was interested to see what his appointees would do with the poorly defined office, how well they would cooperate with the senior Union general in the state, and in what ways the military governors could advance the executive’s vision of wartime Reconstruction—empowering loyal Unionists, cajoling repentant rebels, reuniting the state with the nation, and, later, upholding **emancipation**.

### *Experiment: Andrew Johnson and Tennessee*

Significant among military governors was **Andrew Johnson**, posted in **Tennessee**. An obvious choice for the job, Johnson, a prominent member of the **Democratic Party**, had been elected to every important office in Tennessee, including the legislature and governor, and had served in the U.S. House of Representatives and U.S. Senate. Most important, he was a staunch Unionist, the only U.S. senator from a so-called seceded state to retain his seat in Congress. By March 1862, when Union troops had gained control of portions of western and central Tennessee, Lincoln announced that Johnson would lead Reconstruction efforts there, and gave him a brigadier general’s commission.

Knowing that his authority and duties were sketchy, Johnson took actions that set the tone and precedents for other military governors to follow. Generous toward loyal Unionists and vicious toward rebel secessionists, he has been credited with first delivering the "Treason is odious and traitors must be punished" statement while serving in Tennessee (or some version of it, since he repeated it often and in various ways). He appointed men to vacant state offices and local offices in Nashville, where the federal headquarters was located. He required appointees to swear a **loyalty oath** to the **U.S. Constitution** and experimented with holding a local election in Nashville. He demanded that newspaper editors act loyal to the Union or have their papers closed, dismissed several ministers of the gospel from their pulpits for preaching in support of the Confederacy or against the Union, and required



some bank officials to cooperate with federal authorities or be removed from their businesses. Governor Johnson established a new pro-Union newspaper, worked with a former Whig Unionist, William Campbell, to build loyalty for the federal war effort, and encouraged more Tennesseans to swear an oath of loyalty to the Union. Greatly assisting the governor, the Union army won major victories at Shiloh and Memphis, the Union navy operated on the Mississippi and Tennessee Rivers, and Unionists returned who had fled the state when the war began. On the other hand, Johnson antagonized Major General Don Carlos Buell, senior Union operational commander, and argued with the federal provost marshal in Nashville. Johnson's experimental congressional election in January 1863 arrived stillborn when Congress declined to validate the result, due to low voter turnout. Thus, Johnson established a mixed record, but appeared to be moving Tennessee in the direction Lincoln wanted—toward restoration.

### *Subsequent Wartime Efforts*

As Johnson tested the reach of his office in Tennessee, other military governors failed to equal his actions. Previously a member of Congress from Missouri, John S. Phelps accepted Lincoln's assignment as military governor of **Arkansas** in July 1862. Like Johnson, Phelps held the rank of volunteer brigadier general in the Union army. However, after five months, he exercised little authority, failed to gain the support of General Samuel Curtis, and could claim no real progress in Reconstruction. In December, Lincoln canceled Phelps's commission when he went back to Missouri. Meanwhile, Lincoln hoped that pro-Union sentiment would resurface in **North Carolina**. He designated Edward Stanly as military governor, but unlike his approach with Johnson and Phelps, neither asked Congress to approve his appointment nor made him a volunteer general. Although he came from a North Carolina family, Stanly had been residing in California. Opposed to **abolition**, Stanly balked at Lincoln's Emancipation Proclamation and did not get much help from Union troops, who made little headway into the interior of the state and had to be satisfied with enclaves on the coast. Few Carolina Unionists came forward to help Stanly, whose ineffectual administration lost credibility after Zeb Vance was elected Confederate governor in August 1862. When Stanly left office, Lincoln appointed no replacement.

While Phelps and Stanly floundered, Lincoln turned to another state—**Louisiana**. George F. Shepley first served as a subordinate to Major General **Benjamin F. Butler**, senior officer in the Union's Department of the Gulf and controversial commander of federal troops that had occupied New Orleans since May 1862. Lincoln made Shepley, a lawyer from Maine and volunteer brigadier general, military governor in June, thus splitting the responsibilities of department commander and military governor. Shepley was soon overshadowed by Butler's replacement, Major General **Nathaniel P. Banks**, who arrived in December. Having held prominent offices, including governor of Massachusetts and Speaker of the U.S. House of Representatives, Banks gained a volunteer army commission. With his political experience, Banks was determined to handle both politics and military matters. Conflict soon occurred.

For instance, Shepley believed that he should control the provost marshal's office, but Banks put that office under his personal control. Banks also controlled circumstances dealing with the status of the freedmen, and worked toward an acceptable **labor system** for the former slaves. Thereafter, Governor Shepley attended mostly to minor administrative tasks, but retained authority over arranging local and state elections. In one of the elections, voters chose two members for the U.S. House of Representatives and, to the surprise of many, Congress seated both of them.

In another election Shepley supervised, held in March 1864, pro-Union Louisiana voters elected a Unionist, Michael Hahn, to be civil governor, the first successful gubernatorial election in a state under wartime military government. Reconstruction in Louisiana demonstrated the uncertainty inherent in wartime and the need for federal success on the battlefields. In the Red River campaign of 1864, Banks failed to capture the rest of Louisiana, undermining Shepley's accomplishments with elections. Reduced to exercising limited authority, Shepley transferred to the East, where he later served as postwar military supervisor of occupied Richmond, **Virginia**. As civil governor, Hahn tried to exercise shaky powers and grew impatient with his restrictive nemesis, Major General Stephen A. Hurlbut, a volunteer officer and lawyer from Illinois. Acting under authority of the new department commander, Major General **E.R.S. Canby**, Hurlbut manipulated the social, economic, and military circumstances to his personal financial advantage rather than assisting Hahn's administration. In March 1865, Hahn resigned to accept the Louisiana legislature's nomination to the U.S. Senate. It was an ill-timed move, breaking the continuity and any regard Hahn accrued by one year in office. The next month, Lincoln was **assassinated**, and facing the unsettled conditions in the South, the Senate refused to seat Hahn. Given Hahn's obvious pro-Union credentials and interest in rights for **African American** freedpeople, Louisiana missed someone of his stature and outlook in the difficult days of postwar Reconstruction. Lieutenant Governor **James M. Wells** replaced Hahn as civil governor.

Even in the postwar period, the military governor usually remained subordinate to the senior army commander in the states. For example, Benjamin F. Flanders acted as military governor in Louisiana from June 1867 to January 1868 and answered to General **Philip Sheridan**. Subsequently, General **Winfield S. Hancock** held authority over military governor Joshua Baker. The military governor of **Texas**, Andrew Jackson Hamilton, had been appointed a brigadier general in the Union army in November 1862 by President Lincoln. Strongly pro-Union, like Flanders and Baker, Hamilton had been unable to take his job because federal forces were limited to small enclaves on the Texas coast. Confirmed by President Andrew Johnson, Hamilton became **provisional governor** of Texas in June 1865, but resigned his volunteer army commission. Hamilton held office until a former Confederate, **James W. Throckmorton**, was elected in August 1866. *See also* Amnesty Proclamations; Presidential Reconstruction.

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*Joseph G. Dawson III*

### **Military Reconstruction Acts (1867-1868)**

The operational legislation that formally inaugurated **Congressional Reconstruction**, the Military Reconstruction Acts thoroughly reorganized the state governments of the former Confederate states. They collectively marked a turning point in Reconstruction policy, when **Moderate Republicans** and their Radical colleagues joined forces to overturn the restoration program set in motion by President **Andrew Johnson**. The acts also set several unique precedents in American history, including the assumption by the federal government of issues traditionally under state jurisdiction, the imposition of black voting on a large scale, and a dangerous juggling of American civil-military relations, when the national legislature deliberately turned over to the military powers never before surrendered by civil officers.

### ***Congressional Republicans Take Control***

Since the end of 1865, and increasingly through 1866, the president and the Republican majority in Congress had been at odds over the future of the former Confederate states, the former rebels inhabiting them, and the former slaves just recently freed. Johnson's lenient approach, the composition and actions of his state governments in the South, the situation of the **African American** freedpeople, and the role of such federal government agencies as the Freedmen's Bureau had all caused friction. Johnson's vetoes of the moderate **Civil Rights Act** and the **Freedmen's Bureau bill**, his hostile veto messages, and his attempt to undermine Congress through a third-party movement collectively forged a consensus against him. On March 2, 1867, both houses passed the first of four Military Reconstruction Acts, to "Provide for the More Efficient Government of the Rebel States." Nearly two years after Robert E. Lee had surrendered and six months after President Johnson officially had declared the Civil War over in August 1866, the word "Rebel" formed part of the title of major national legislation. Given Johnson's lack of cooperation on Reconstruction policy, northern and southern Republicans decided that the acts were absolutely necessary, but northern and southern Democrats termed those laws to be the "Radical" Reconstruction Acts. Indeed, they seemed radical to many nineteenth-century Americans.

Passed on March 2, March 23, and July 19, 1867, and March 11, 1868, the Military Reconstruction Acts can be viewed collectively. President Johnson believed that the laws were not only unnecessary but also unconstitutional, and he vetoed each of them. Congress overrode his veto each time. Because

Tennessee had ratified the proposed **Fourteenth Amendment** to the U.S. **Constitution**, Tennessee was not covered by the terms of the acts, nor were Missouri and **Kentucky**, states that during the war had seats in the Confederate Congress and stars on the Confederate flag, but had never formally seceded.

### *The Acts, the Military, and the South*

According to the acts, the state and local governments of the ten other former Confederate states, including the governments created by President Johnson, were declared “provisional” and placed within five military districts. Temporarily, ten state governments lost their legal standing, but the governments themselves were not ousted. Serious consideration was never given to actually redrawing (or renaming) the states, as some Radical Republicans wanted. **Virginia** comprised the First Military District, **North Carolina** and **South Carolina** were included in the Second District. **Alabama**, **Georgia**, and **Florida** formed the Third District, the Fourth District contained **Mississippi** and **Arkansas**, and **Texas** and **Louisiana** made up the Fifth District. The laws specified that the commander of each district must hold the rank of brigadier general or brevet major general in the federal army. As commander in chief, President Johnson would select those generals, who had far-reaching powers and authority within their districts. For example, within their districts, the commanders could fill vacant offices and determine which state civil or criminal courts could operate. Of course, it was extraordinary—Democrats said “radical”—for American army officers to be able to appoint officials to office and hold authority over civil courts. To a certain extent, the acts put the ten designated states under the control of military governments and, in accordance with **civil rights** acts passed by Congress, the army would protect the rights of all citizens.

The acts contained other extraordinary provisions. Within each district, the commanders would begin reconfiguring the states’ provisional governments by supervising voter registration (heretofore a state right) and calling for **constitutional conventions** that would draft new state constitutions. Congress required that adult black males be permitted to vote for delegates to the constitutional conventions, the first national decree affecting state voting and the first large-scale implementation of **black suffrage** in America (a few New England states had allowed restricted black voting before the Civil War). The acts authorized the commanders and their subordinates to decide who could register, clearly indicating that any man who had sworn to uphold the U.S. Constitution prior to 1861 and then provided service to the Confederacy temporarily would be **disfranchised**, or disqualified from voting. Moreover, the acts required the new state constitutions to grant freedmen the right to vote, again stepping on what before had been the rights of the states to determine voter qualification. Once the conventions drafted new constitutions, they would be approved or rejected by the voters in an election supervised and certified by the army, with black men who had been registered again participating.

This complete, the state was on its way to formal **readmission** to the Union. Once the voters approved the new state constitutions, the commanders and

the army would supervise additional elections for all state and local offices, including governor and both houses of the legislature, as well as U.S. congressmen and senators. The district commanders would set the times and places for the new state legislatures to meet, and the acts required that the legislatures ratify the Fourteenth Amendment. Obviously, it had been the right of each individual state legislature to vote yea or nay on previous amendments to the U.S. Constitution that had been submitted to the states. Ten former Confederate states had to take all of the steps required by the acts, but approving the Fourteenth Amendment culminated the process. Once the legislature ratified that amendment, the state's congressmen and U.S. senators could be seated in the national capitol. Reconstruction would be concluded in that state, all powers and authority would remand to the duly elected civil authorities, and presumably the army would depart.

These federal laws made the **U.S. Army** the agent of social and political change in the South, and these changes had implications for the rest of the nation. In many ways, the Military Reconstruction Acts were radical because Congress called on the U.S. Army to enforce the laws' terms. In reality, Congress had nowhere else to turn. The Republicans could not rely on agents of the Treasury Department, or a handful of U.S. marshals, to carry out national Reconstruction policy. The Justice Department did not even fully exist as a separate entity until 1870. No combination of federal agencies could accomplish all of the steps required by the acts. Further, both as a result of the wartime occupation and through the efforts of the **Bureau of Refugees, Freedmen, and Abandoned Lands** (a War Department agency), the army was already in position to execute and supervise the legislation. Only the army possessed the personnel (the leaders and enough units) dispersed across the South to carry the administrative load. Since colonial times there had been a widespread animus in American life toward a standing army and skepticism of the need for an elite army office corps. Therefore, many Americans—especially southerners—were certain to be dissatisfied and even fearful of the acts themselves and the way that the army enforced them.

### *Implementing the Acts*

The Republicans' plans embodied in the Military Reconstruction Acts were remarkably ambitious and took from several months to almost three years to carry out. The acts called for political procedures familiar to Americans, including registering voters, conducting elections, certifying ballots, drafting and amending constitutions, and having state legislatures consider and either reject or ratify amendments to the U.S. Constitution—but these procedures had been state responsibilities. The Reconstruction acts temporarily replaced state rights with federal directives. It was unclear how former Confederates might react to this new approach. Soon enough, some white conservatives realized that by acting individually or in groups they might forestall the changes that Republicans sought, including black men participating in politics.

Relying on the terms of the congressional Reconstruction acts, the generals began to carry out the expectations of the Republican majority. Assigned on March 11, 1867, Johnson's choices for district commanders were **John M.**

**Schofield** (First District), **Daniel E. Sickles** (Second), **John Pope** (Third), **E.O.C. Ord** (Fourth), and **Philip H. Sheridan** (Fifth). Except for Sickles, a former **Democratic Party** politician and volunteer army officer, the original district commanders were professional officers from the regular army and had not held political office.

As general in chief, **Ulysses S. Grant** watched all Reconstruction developments closely. Committing the army to enforce civil rights, he ordered district commanders to protect former slaves and made sure that his subordinates arrested anyone accused of committing crimes against soldiers or Freeman's Bureau agents. Paying careful attention to the wording of the acts, he brought specific terms of the laws to the attention of his generals. Grant did not condone wholesale removals of civilian officeholders, but recognized that southern politicians sometimes would be what the army called "impediments to Reconstruction." All of the district commanders removed civil officials, including governors of Louisiana, Texas, Virginia, and Georgia. Furthermore, Grant recommended that the generals disregard some rulings of U.S. attorney general **Henry Stanbery**, a conservative constitutionalist and close friend of Johnson's. Most of Stanbery's interpretations of the first Military Reconstruction Act were voided by terms of subsequent acts, thus confirming Grant's views.

In each military district, the process under the Military Reconstruction Acts proceeded along similar lines, but with idiosyncrasies. Rather than seeking strength through unity, southern Republicans often split into political factions while their states sought to fulfill the terms of the acts. Scattered **violence** occurred against individual Republicans and the army's modest forces could not be everywhere they were needed to protect freedmen or other Republicans. The violence appeared to some historians a century or more later as a low level of guerrilla war, but no matter the ex-Confederates' electoral ploys or violent tactics, they usually avoided direct confrontations with the army. In the meantime, the district commanders, whether the original generals or their replacements, most of whom were conservative men uncomfortable with their assignments, proceeded to implement the Military Reconstruction Acts. Gradually, one by one, the former Confederate states completed the requirements and were readmitted between 1868 and 1870.

Regardless of the district commanders' personal politics, most of them exercised their authority under the Military Reconstruction Acts in ways that produced "radical" results. Enforcing these laws not only infuriated most former Confederates and many northern Democrats, but also appeared contrary to antebellum American traditions, which held that the army should stay out of politics. Generals who appeared to most southern whites to be either vindictive or radical, such as Sheridan and Pope, carried out the congressional laws forcefully. Even moderate or conservative generals, such as Schofield, Meade, and Ord, and E.R.S. Canby, one of the replacement district commanders, accepted a basic (and therefore radical) concept of the acts—the army was in charge of southern governments and responsible for implementing the political steps required to return ten former Confederate states to the status of loyalty. Schofield and Meade were personally more palatable than Sheridan or Pope to most white southerners, but during the time of military supervision, the results of all four of them turned out to be much the same.

Reconstruction under the Military Reconstruction Acts may be termed a procedural success: The army and its officers guided all ten affected states through the requirements. Military dictatorship never developed, no army atrocities occurred, and generals eagerly handed power back to civilians once Congress's terms had been fulfilled. For a brief time, the former Confederate states had progressive state constitutions, universal male **suffrage**, and vibrant state Republican parties. Successfully implemented, no one could vouch for their success once federal supervision dissipated and the army departed.

The acts had other impacts as well. While Congress's orders were reshaping the South, the methods and attitudes of four district commanders (Schofield, Sickles, Pope, and Sheridan) displeased President Johnson, and he removed them. He granted Ord's request for reassignment. Thus, Johnson removed or reassigned all five of the original district commanders, generating resentment among many Republicans. Combined with Johnson's opposition to the Civil Rights Act, the Fourteenth Amendment, and the Freedmen's Bureau, his removal of generals contributed to Republicans' willingness to support his **impeachment** in February 1868. *See also* Amnesty Proclamations; National Union Movement; Presidential Reconstruction; Readmission; Swing Around the Circle; Trumbull, Lyman.

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## Militias

The militia system during Reconstruction was one of the most controversial organizations of the post-Civil War period in the South. Created by southern Republicans to suppress paramilitary challenges to their new state governments, the militias were partisan law enforcement bodies. Moreover, southern state militias recruited large numbers of **African Americans**, earning the organization its enduring epithet: "Negro militia." This term is misleading, however, for a great many whites volunteered as well, although blacks and whites served in segregated units. Nonetheless, most white southerners denounced the militia for arming the freedmen even as they despised the Republicans for granting **suffrage** to the former slaves. Throughout Reconstruction, paramilitary bands of ex-Confederates brazenly attacked their Republican enemies in the hopes of toppling the state governments. Southern Republicans, therefore, had just cause in using all their state resources to quell what amounted to an armed insurgency. To this end, they mobilized and deployed loyal state militias. Consequently, militias played an important role in the many political power struggles that characterize the Reconstruction years.

Oddly enough, southern Republicans actually proved reluctant to field militia units. Concerns over cost militated against organizing a militia. A militia force of any meaningful size could be very expensive, and Republican administrations were usually short on revenue. These fiscal constraints contributed to a preference for alternative means to law enforcement. Republican politicians persistently tried to rely on both county sheriffs and, in emergencies, the **U.S. Army** to halt paramilitary **violence**. As they soon discovered, however, sheriffs were either too afraid or too indifferent to be of much help, while the army often lacked proper jurisdiction and always loathed intervening in state affairs. The issue of political legitimacy also affected decisions about the militia. Nineteenth-century Americans distrusted standing armies in peacetime, and an active militia was just that. Critics of the Reconstruction militia consistently denounced it as military despotism, regardless of efforts to instill a sense of professionalism into the ranks. Finally, many southern Republicans feared that using a “Negro militia” would unleash a race war that would destroy southern society. As a result, executive use of state militias was uneven (they never came into existence at all in **Georgia** and **Virginia**) and often marred by indecisiveness.

The first use of state militia occurred in **Tennessee** in 1867. Governor **William G. Brownlow** rightly believed that bands of ex-Confederates were planning to disrupt the state election that year. Determined to protect this important political event, Brownlow mobilized the Tennessee State Guard, a militia force that comprised 1,900 men. A majority of these militia volunteers were white Unionists, but about a quarter of the recruits were blacks. Throughout the spring and summer of 1867, the governor deployed his troops to more than thirty “rebellious” counties where they maintained the peace despite a few instances of violence. Republicans won the election in a landslide. Later in the year, Brownlow successfully used the State Guard a second time during the mayoral election in Nashville, where the state militia helped thwart an extralegal attempt by opponents of Reconstruction to seize power in the capital. In both operations, the Tennessee State Guard conducted itself with a high degree of discipline and restraint, thereby setting an admirable standard for other reconstructed states to imitate.

### *The Militia versus the Klan*

From 1868 to 1872, Reconstruction militias battled a wave of terror unleashed by the **Ku Klux Klan**. Actually a generic term for a host of rebel vigilante outfits, the Klan posed a serious threat to the authority of the Republican Party and the safety of its largely black constituency. After much vacillation (and a seemingly endless stream of Klan depredations), a few Republican governors finally raised militias to combat the Klan menace. **Arkansas** governor **Powell Clayton** launched the boldest anti-Klan campaign. Declaring martial law in fifteen counties, Clayton deployed the Arkansas State Guard, a force of some 2,000 men (60 percent black). Over a four-month period beginning in November 1868, Clayton’s militia thrashed the Klan, killing several night riders in open skirmishes and arresting dozens more. Although Clayton’s State Guard received harsh criticism for various abuses of power, it did essentially crush the Klan in Arkansas.



Encouraged by this outcome, three other Republican governors waged more or less successful campaigns against the Klan. In January 1869, Governor Brownlow reorganized his militia for a showdown with the Klan in Tennessee. Between February and May, the Tennessee State Guard (this time an all-white force of 1,600 men) occupied nine counties in the middle and western parts of the state. Unlike events in Arkansas, however, there were few violent confrontations. Apparently under instructions from Grand Wizard **Nathan B. Forrest**, Klan dens in Tennessee prudently went underground and avoided contact with the state militia. Nonetheless, until it was disbanded in the summer of 1869, the Tennessee State Guard neutralized Klan terrorism simply by being in the field. The following year, Governor **William H. Holden** declared war on the Klan in **North Carolina**. Between June and August, an all-white force of 600 militiamen hunted the Klan in the most terror-plagued counties of the state. In making more than 100 arrests, the militia briefly suppressed the Klan in North Carolina. Finally in 1871, Governor **Edmund J. Davis** of **Texas** conducted one of the most effective anti-Klan operations of the Reconstruction period. In addition to raising 3,500 mostly black volunteers for the Texas militia, Davis also utilized a mostly white state police of 200 mounted troopers, which he used as his principal strike force against the Klan. Attacking Klan strongholds one at a time under short bursts of martial law, the Texas law enforcers arrested more than 1,000 perpetrators and, for a couple of years, subdued ex-Confederate vigilantism.

Elsewhere in the South, Republican administrations proved incapable of stopping the Klan. The governors of **Alabama**, **Florida**, **Louisiana**, and **Mississippi** all threatened to use their state militias against the Klan, but for various reasons they never actually mobilized their forces, preferring instead to call on the federal government for conditional assistance. Governor **Robert K. Scott** of **South Carolina**, however, heeded his constituents' cry for help and in 1870 raised the largest militia force of the Reconstruction period. In all, some 20,000 blacks mustered into service (whites refused to join). Although the state adjutant general managed to arm only about half the volunteers, the state's conservative whites abhorred what they considered a "Negro insurrection." Like Tennessee Republicans in 1867, Scott used his militia to secure victory in the state elections. Throughout the political campaign, militiamen loudly paraded the countryside on behalf of Republican candidates and then guarded the polls on election day. Enthusiastic defenders of the ballot box, the black militia lacked the tactical training to defeat the Klan. After the election, Klan units in upcountry South Carolina skirmished with the militia throughout the early months of 1871, mauling several black companies in a series of bloody engagements. Convinced that a race war was imminent, Governor Scott lost his nerve and placated the white populace by ordering all of his militia units to disarm and most of them to disband. Scott's actions amounted to a capitulation that white southerners would not soon forget.

### ***The Militia and Republican Factionalism***

The South Carolina story notwithstanding, the militia performed reasonably well against the Klan, in part because most units were biracial (if not all white)

and could thus avoid the taint of race war. Nonetheless, the militia proved a two-edged sword for the Republicans. In a couple of states, it became entangled in the factional power struggles that weakened the Republican Party in much of the South. Louisiana executives used the militia in 1872 and again in 1873 as a show of force to deter party rivals from pressing claims to the governor's seat, but the worst abuse of the militia system occurred in Arkansas with the so-called **Brooks-Baxter War** of 1874. Republicans Joseph Brooks and Elisha Baxter both claimed the governorship that year, and each employed portions of the state's largely black militia forces. In April and May, rival militia companies roamed the streets of Little Rock, and on a few occasions, exchanged gunfire. In both Louisiana and Arkansas, the federal government intervened to help settle these disputes.

### *The Militia and the End of Reconstruction*

After the Klan, the southern white insurgency became more sophisticated. Ex-Confederate officers reorganized the various "klans" into political armies under centralized leadership. Instead of indiscriminate terror, these new paramilitary forces instigated policies of selective intimidation and violence, fully aware that most Republicans would hesitate to use their "Negro militia." For those Republican administrations that still held political power in the 1870s, the state militia became a last line of defense. Governor Davis went down fighting in Texas. Disputing the fairness of the 1873 gubernatorial election, he and a company of black militiamen barricaded themselves in the statehouse. As a white paramilitary force, the Travis Rifles, prepared to storm the building, President **Ulysses S. Grant** urged Davis to stand down. The governor complied, and the militia story in Texas came to an abrupt end.

In Louisiana, the demise of the militia was just as inglorious. The most spectacular clash of arms occurred in New Orleans. In September 1874, the paramilitary **White League** marched into the city and overthrew the Republican government. The Louisiana State Militia, ironically under former Confederate general **James A. Longstreet**, contested this usurpation. With 3,000 black militiamen (augmented by about 400 Metropolitan Police), Longstreet confronted as many as 8,000 White Leaguers. Like the black militia of South Carolina, the Louisiana militia was no match for the Confederate veterans. In a matter of minutes, the White League routed the militia and took over the city. U.S. soldiers eventually arrived and restored order, but the credibility of the militia was forever destroyed.

White Liners in Mississippi and **Red Shirts** in South Carolina conducted similar operations in those states. Following a spate of racial violence in the summer and fall of 1875, Governor **Adelbert Ames** put Mississippi on a war footing, but his efforts were mostly a bluff. Although he armed three companies of militia (two black), Ames never deployed the units for fear of race war. Instead, he pleaded in vain for federal assistance, while paramilitary White Liners intimidated black voters and swept the state elections in November. Not long thereafter, Republicans in South Carolina succumbed to the Red Shirt movement. Though largely emasculated by Governor Scott in 1871, a few black militias retained their weapons and their confidence, sparring with

local Rebels from time to time. By the **election of 1876**, however, Red Shirt formations were ready to eliminate this last vestige of Republican power. In bloody incidents at Hamburg and Ellenton, white vigilantes shot down black militiamen who had either surrendered or were unarmed. These atrocities facilitated Democratic efforts to steal the state election through fraud and intimidation.

In evaluating the effectiveness of the militia, the paradox of law enforcement during Reconstruction is unmistakable. In using the militia, Republicans incurred charges of military oppression; in not using the militia, Republicans betrayed a weakness that ex-Confederates were all too ready to exploit. In the end, southern Republicans never found the right mixture of conciliation and coercion. Nevertheless, in at least four states—Arkansas, North Carolina, Tennessee, and Texas—the state militia temporarily staved off ex-Confederate opposition to civil government and provided some protection to the freedmen. It is telling that Democrats, on regaining political power in those states, immediately repealed all militia legislation. Had all Republican governors used their militias aggressively, regardless of the risk of race war, or had the militia remained active longer in the states where it did achieve results, the white paramilitary organizations that helped bring down Reconstruction may have never developed into such serious threats. In any event, the militia arguably offered southern Republicans their best means both for retaining their hold on power and for making Reconstruction work at the state level. *See also* Race Riots; Redemption.

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### ***Milligan, Ex parte (1866)***

This landmark **Supreme Court** case considered the constitutionality of military arrests and trials during and after the Civil War. In an opinion handed down in December 1866, the Court held that military trials were unconstitutional when the civil courts were open. This was a rebuke to the **Lincoln** administration, which suspended the writ of habeas corpus, and the U.S. Congress, which sanctioned Lincoln’s actions in the Habeas Corpus Act of 1863, subject to certain limitations.

The decision turned on the arrest of Lambdin Milligan in Indiana in 1864 for serving in a secret organization supportive of the Confederacy. The Union army arrested him for conspiring to free Confederate prisoners of war. Milligan, a lawyer active in the **Democratic Party**, and two others were tried

by military tribunal, convicted of treason, and sentenced to death. President Lincoln postponed the execution, but after Lincoln's **assassination**, President **Andrew Johnson** ordered that the hanging take place. Milligan sought a writ of habeas corpus from a federal circuit court in Indiana, asking for a civilian trial on the grounds that, as a civilian, the military commission had no jurisdiction over him. The court divided on the question of whether a federal court could hear appeals from military trials, and the case was sent to the Supreme Court.

At the Supreme Court hearing, Milligan was represented by David Dudley Field, among others. Before the Supreme Court, the government argued that both the president and the Congress had approved the suspension of the writ based on military necessity, and so had by default proclaimed martial law. The Court, in a unanimous opinion written by Justice **David Davis**, rejected this argument, and asserted that "The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protections all classes of men, at all times, and under all circumstances." The Court ruled that Milligan was wrongfully convicted by a military court because civil courts remained open in Indiana, and also that the military had not followed the procedures set forth in the Habeas Corpus Act for military trials. This decision had implications for the military arrests of those living in states that remained loyal to the Union, and also for those living in parts of the Confederacy occupied by the Union army where the civil courts had reopened.

The Court's ruling was a critical moment for the elaboration of American civil liberties in wartime, limiting military jurisdiction over civilians. Importantly, however, *Milligan* was not issued until after the war, and the Supreme Court did not find military arrests and trials unconstitutional during the Civil War itself. *See also* Amnesty Proclamations; Congressional Reconstruction; *McCardle, Ex parte*; Pardons.

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## Mississippi

Mississippi's Reconstruction period began in 1865 and ended in 1876. The Reconstruction governors were **William Sharkey** (1865), **Benjamin Humphreys** (1865–1868), **Adelbert Ames** (1868–1870; 1874–1876), **J. L. Alcorn** (1870–1871), and R. C. Powers (1871–1874). Mississippi was the first former Confederate state to hold its Reconstruction convention in 1865. However, the results were disastrous, as unrepentant white Mississippians blatantly opposed the changes President **Andrew Johnson** requested they make. Moreover, they enacted **Black Codes**, usurping the **civil rights** of the **African American** community. Eleven years later, conservative Mississippians successfully defeated the state Republicans, and life as it had existed before

the war had resumed with minor changes. **Jim Crow laws** replaced the former slave codes. Blacks were **disfranchised** and subjected to **violence**. **Sharecropping** became the new slave system. More than ever, Mississippians relied on an agrarian lifestyle based on cotton, and resisted industrialization.

### *Mississippi during the Antebellum Period*

At the start of the Civil War, Mississippi was a young frontier state, only a little over thirty years old. It was a rough region populated mostly by yeomen, or small, independent farmers. A few wealthy planters had settled with their slaves in Natchez and Vicksburg, where they constructed extravagant homes and gardens. Although representing a minority of the population, these landowners dominated society and accumulated vast numbers of slaves and lands for growing cotton, of which Mississippi was a leading producer. Cotton was distinct from other crops, as it relied heavily upon slave labor. The slave population far exceeded that of the whites.

Social life centered around the plantation. Landowners pampered themselves with an elite lifestyle of rich food, grand balls, and excursions to the North and to Europe. Wealthy landowners also regarded **education** highly, at least for their children. The education of slaves was strictly forbidden, and even discouraged for poor whites. In 1848, Mississippians established the University of Mississippi, attended by many sons of the wealthy planters.

Not surprisingly, landowners also controlled every aspect of slave life. Slaves did not own their time, their bodies, or their property. Fed meager rations of corn meal and pork, and supplied yearly with a few items of clothing, slaves supplemented their existence with gardens and small game. They preferred to medicate themselves with roots from the woods rather than be tended to by their slave masters. Slaves found solace in each other, especially during the spare moments in the privacy of their slave quarters, where they sang, laughed, retold stories from Africa, and created new tales based on their experiences in America. House slaves, or slaves who served the planter's household, were often treated better than field slaves. They dined on their master's leftovers, and were clothed in their castoffs.

Desperate to maintain this way of life, white landed Mississippians were fierce supporters of secession. **Jefferson Davis**, president of the Confederacy, was a native Mississippian.

### *Mississippi during the Civil War*

War in Mississippi broke out in 1862. There were a total of sixteen official battles in Mississippi, plus scores of skirmishes and lesser confrontations. The war's impact on Mississippi was similar to other southern states: As Union armies advanced, slavery disintegrated as slaves fled the plantations. Some 17,000 freedmen joined the Union forces, fighting against their former owners. Beyond this, slaves and former slaves in Mississippi received little attention or assistance during the war, or during the **Presidential Reconstruction** process under **Abraham Lincoln**.

The war ended for Mississippi when General Richard Taylor surrendered in 1865. In the wake of defeat, white Mississippians, who dominated their

state's wealth, government, and social life, lost their most precious commodity, their slaves, and feared for their other resources, their land.

### *Presidential Reconstruction*

President Andrew Johnson, encumbered with the burden of Reconstruction, put together a plan he hoped would quickly and quietly unite the former Confederate states and their northern brethren. In 1865, Mississippi's governor, Charles Clark (1863-1865), and two other leaders, William L. Sharkey and William Yerger, traveled to Washington to determine what Johnson expected from them. The president only agreed to meet with the men unofficially. At this meeting, Johnson established Sharkey as Mississippi's provisional Reconstruction governor. He also issued the following instructions. Mississippians must take **loyalty oaths** to the Union and choose delegates for a **constitutional convention**. The convention would then abolish slavery, nullify secession and the Confederate debt, consider extending **suffrage** to certain educated blacks, and ratify the **Thirteenth Amendment**. Mississippi's Reconstruction convention met in August 1865. The results of the convention would make or break Johnson's reputation, particularly with members of the **Radical Republican** clique in Congress who were beginning to question his program. The convention also set a precedent for the remaining states.

Obdurate Mississippians decided to follow their own constitution (written in 1832) and disregarded many of Johnson's instructions. They did, however, recognize the eradication of slavery. Following the convention, then governor Benjamin Humphreys gave a speech that reflected Mississippian's opinions in regard to Reconstruction. In the speech, Humphreys argued for southern white control over Mississippi's social, economical, and political destiny. To appease northerners, he affirmed Mississippi's commitment to providing education and protection to blacks. However, he insisted that blacks and whites were not equal and could never coexist peaceably.

The state legislation met in November 1865, and set out to put Humphrey's speech into law. The laws created were known as the Black Codes, and they catapulted blacks back into what amounted to a form of slavery. The Black Codes included some of the following rules: freedmen and freedwomen could only own property in incorporated towns. Blacks could not sue or be sued. They could only serve as witnesses in cases concerning other blacks. Blacks could not own weapons, drink to intoxication, preach without a license, or be found without employment. Unemployed blacks—called **vagrants**—could be arrested and then auctioned off to the highest bidder.

President Johnson's plan had failed in Mississippi, and soon would prove equally weak in other southern states. Through fall 1865 and winter 1866, Congress gradually stepped in to take charge over the process of Reconstruction, realizing that no significant change, and certainly no significant progress, would occur with Johnson's leadership. Many Republicans in Congress believed Johnson's plan was too lenient toward former Confederates, and too harsh toward former slaves. They believed a stringent, aggressive, more radical approach was needed.

### ***Congressional (or Radical) Reconstruction***

Congress at that time was dominated by Republicans, many of whom were passionately dedicated to a complete upheaval of the South's economic, social, and political system. These so-called Radicals wanted to rebuild Mississippi, not as it was, but as it could be, unfettered by slow progress and slavery. They wanted to bestow full rights on blacks. To accomplish this, they needed individuals in power who were committed to these goals. In 1866, they executed their first move toward meeting these goals by rejecting the congressional delegation Mississippians had chosen to represent the state in Washington.

Radical Reconstruction did not officially start until 1867, when Congress resorted to more aggressive actions by subjecting all the former Confederate states (except **Tennessee**) to military rule. This was done via the **Military Reconstruction Act**, which divided the former Confederate states into districts. Congress then assigned military troops to each district. Mississippi and **Arkansas** constituted the Fourth Military District. The president appointed General E.O.C. Ord commander of the district. His duties included overseeing elections for a constitutional convention and ensuring **black suffrage** for males. Members of the new Republican government consisted predominately of whites from the North (**carpetbaggers**) and Unionist whites from the South (**scalawags**). A few blacks were elected to the legislature, the first time in Mississippi's history. Most conservative Mississippians were outraged; not only had their power been stripped by men they felt were ruthless opportunists and traitors, but they were now "dominated" by a race they despised (untrue, but the perception persisted). That blacks outnumbered whites, and therefore had more voting strength, exacerbated the situation. **Black politicians**, however, never dominated the Mississippi legislature. Nevertheless, these men were as able and distinguished as white Republican leaders such as J. L. Alcorn, H. F. Simrall, J. L. Wofford, J.F.H. Claiborne, R. W. Millsaps, and R. W. Flounoy.

### ***Black Politicians during Radical Reconstruction***

Blacks of achievement abounded during Reconstruction. Many lived in elite black communities in both the North and the South. They were either born free, had escaped to freedom, or had purchased it through their own toil. Some blacks received their liberation at their master's death. Some were the offspring of black **abolitionists** from the North. Many were the sons and daughters of white planters and slaves. Although these children were still considered slaves, planters often gave them the same advantages as their all-white sons and daughters. In freedom, blacks studied at universities, entered into prestigious fields, and acquired wealth.

B. T. Montgomery, **Blanche Kelso Bruce**, **Hiram Rhodes Revels**, and **John R. Lynch** were among the prominent black politicians in Mississippi during Reconstruction. B. T. Montgomery was a prosperous planter and business manager for Joseph and Jefferson Davis. He was the first black to hold state office, serving as justice of the peace at **Davis Bend**. Bruce and Revels were U.S. Senators. Revels was the first black senator, serving from 1870 to

1871. Revels was born of free parents in **North Carolina**. In his childhood, he was taught by a black woman. He later attended a Quaker seminary in Indiana, a black seminary in Ohio, and Knox College in Illinois. The opportunity to help educate blacks in the South brought him to Mississippi. When his term ended, he eagerly accepted the position as president of Alcorn University. Bruce served in the Senate from 1874 to 1881. His father was a **Virginia** planter; his mother was a slave. He was tutored by the planter's son and trained as a printer's apprentice. Escaping slavery in 1861, he organized the first black school in Missouri, then attended Oberlin College. He traveled to Mississippi to pursue politics, became an affluent landowner, tax assessor, sheriff, tax collector, and school superintendent. Lynch, a native Louisianan, was also the product of a wealthy planter and a slave. He was emancipated with the other millions of blacks during Civil War. Not long after moving to Mississippi, he was elected to the legislature in 1870 at only twenty-two, and later chosen as Speaker of the House. He served a total of six years in Congress, after which he practiced law and rose to the rank of major in the military. In his later years, he wrote books on Reconstruction, providing a unique and enlightening perspective on one of America's most turbulent periods.

### ***Radical Reconstruction: Achievements and Opposition***

The first governing body under **Congressional Reconstruction** met in 1868 and wrote a new state constitution to replace the old one. As with many of the Republican constitutions under the Military Reconstruction Acts, Mississippi's new laws were progressive and unprecedented. This constitution mandated public schools for all children in the state. Between 1870 and 1874, Republicans, who maintained legislative power, established an integrated common school system and established normal schools (for teacher training). They also set up Alcorn University, which was the black counterpart of the University of Mississippi. They made improvements to the judicial system, renovated public buildings, built state hospitals, and abolished racial discrimination laws. In 1869, they passed legislation allowing ex-Confederates to be admitted into office and securing black suffrage. In 1873, they passed a civil rights law.

Unfortunately, Republicans raised state taxes to finance these progressive projects. Largely based on landholdings, these taxes fell disproportionately on the whites who controlled the land. Also, because taxes did not cover all of these expenses, government borrowing put Mississippi into greater debt. White Mississippians, accustomed to the traditional system of scant taxes and minimal state involvement in their affairs, were outraged. Making matters worse, murmurings of **scandal** and corruption were prevalent, and often legitimate.

Humiliated and furious over the state of affairs, conservative Mississippians engaged in aggressive tactics, referred to as the Mississippi or **Shotgun Plan**, to overthrow the Republican government. As early as 1871, whites successfully ran Republicans out of office in Meridian, but federal troops intervened and restored them to power. A similar situation occurred in Vicksburg three years later. In 1875, whites murdered thirty teachers, **church** leaders, and



Republican officials. **Race riots** broke out throughout the state. During this period, James Z. George and L.Q.C. Lamar masterminded the George-Lamar plan. Their objective was to seize political power by overtaking vacant seats in the legislature and Congress. Once in office, they planned to remove Republican governor Adelbert Ames, a former Union general, and the Republicans by impeachment. They hoped to win the votes of blacks by making promises to protect their civil rights, but their real mission was to take as many rights away from blacks as possible. They were prepared to resort to violence and intimidation against not only the black voting population, but also black and white Republicans in office.

### ***The Fall of Radical Republicans and the Rise of Conservative Rule***

In the summer of 1875, white members of the **Democratic Party**, representing the former landowner class of antebellum Mississippi, took up arms, a nightmarish replication of that fateful first day of the Civil War. Only this time, their enemy was unarmed and without federal support. They terrorized their opponents relentlessly. Houses were set on fire. Men, women, and children hid in the woods. Democrats terrorized communities to ensure victory and then restore the yoke and chains of oppressive and discriminatory laws on their former slaves. Who would rescue Mississippi from these rebellious and relentless conservatives? Vast numbers of blacks and whites sacrificed their lives to relieve humanity of the heinous system of bondage. Finally freed during the Civil War, were blacks doomed to return to slavery?

Governor Ames, a former Union general, considered forming a **militia** comprised of black troops. Democrats threatened that black troops would trigger race riots. Ames sought the help of President **Ulysses S. Grant**, urging him to send federal troops. President Grant, already overwhelmed with problems of his own, denied the request and refused to send help. Ames reconsidered using black troops, but abandoned his plans when Democratic leaders promised, in return, a peaceful election. Governor Ames did not use state troops on election day, November 3, 1875. However, the election was not entirely peaceful, as one black man was killed and several others wounded at Port Gibson. Democrats set up guards, and even cannons, at polls, and escorted some at other locations. The greater portion of Mississippi had already been subdued by election day and presented no threat to the Conservatives.

Having used violence—and the threat of violence—to attain power, once in office the Democrats set out to unseat their opponents, secure white supremacy, and disfranchise blacks. In 1876, Democrats impeached the lieutenant governor, a black man named A. K. Davis. Ames and his state superintendent, hoping to avoid the same fate, vacated their positions. The executive offices, like the legislative, were now in the hands of conservative whites once again. Mississippi's **Redemption** was complete.

### ***Mississippi after Reconstruction***

Mississippi Democrats then began their own Reconstruction. Through various illegal and nefarious methods, by 1882, the number of black politicians

had been reduced to eleven. At the Constitutional Convention of 1890, Democrats met specifically to remove black politicians from the Mississippi political scene. In 1890, there were only six remaining blacks in the legislature, and only one in attendance at the convention. Democrats also worked to inhibit industrialization and to formulate many ordinances designed to hinder blacks, including the rigging of voting requirements to keep blacks from voting. For example, voters had to prove literacy and residency, loopholes that served to disfranchise African American males but still fell within the legal bounds of the **Fifteenth Amendment**.

Eventually, Democrats reclaimed power throughout the southern states. Many moved eagerly toward the future, subscribing to industrialism. Men, like Henry Grady, a prominent speaker and editor of the *Atlanta Constitution*, praised the achievements made in these states, and bestowed the region with a title: the **New South**. Despite advancements in education and efforts to strengthen black political power, and voting and civil rights, Mississippi, as a whole, resisted change, and reverted as closely as possible to the social life, economics, and politics of the Old South. Mississippians embraced their **agricultural** cotton economy more than ever before. They replaced the former slavery system with Jim Crow, sharecropping, and tenancy for blacks and former white yeomen farmers. Lynchings and other acts of racial violence were rampant. Blacks, unlike those in other states, did not relocate to other locations. Reconstruction in Mississippi had failed. *See also* Black Troops (U.S.C.T.) in the Occupied South; Bourbons; Civil Rights Act of 1866; Contraband, Slaves as; Contracts; Elections of 1876; Fourteenth Amendment; Labor Systems; U.S. Army and Reconstruction; White League.

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**Moderate Republicans.** *See* Republicans, Moderate.

### **Morrill, Justin Smith (1810–1898)**

The modernization of the United States was a major result of the Civil War and Reconstruction. Despite its vagueness, the concept represents the summation of secularization, industrialization, urbanization, increased literacy, the replacing of inherited privilege with market forces, and increased political participation by the citizens. Using that definition, Justin Smith Morrill was a leading example of the concept in action.

Born in Strafford, Vermont, to a blacksmith and his wife, Morrill's early life was difficult. Family financial troubles forced him to leave school at fifteen, and that was the end of his formal **education**. For nearly a decade, Morrill worked as a clerk and bookkeeper. His former boss became his friend and business partner and eventually they had four successful retail stores. By 1848, Morrill retired to a small farm, but in a sense, Morrill's life was just beginning.

In 1851, Morrill married Ruth Barrell Swan. They had two children, but only one grew to adulthood. Morrill, a Unitarian nonsmoker solidly in what we would call today the "middle class," slowly moved into politics. First as a Whig, he worked in party organizations and conventions. He briefly served as town auditor and justice of the peace. In 1854, he won the congressional seat in his district by fifty-nine votes. From there began a career that lasted forty-four years, and only ended with his death.

As the Whig Party began to collapse in the mid-1850s, Morrill became an organizer and leader in the young Republican Party. He was a mainstream Republican, but with a few radical tendencies. For example, he was an **abolitionist** when most Republicans were only opposed to the expansion of slavery, yet followed the party line for tariff protection, and sound money and conservative fiscal policies. In his twelve years in the House of Representatives, Morrill served and was chairman of several critical committees. He was most concerned with fiscal policy and taxation. The Morrill Tariff of 1860, the Internal Revenue Act of 1862, and the Morrill Land Grant Act of 1862 were examples of his leadership.

Inspired by European models, Morrill's law set new standards for federal support of education. The states received money from the sale of public lands with which they established agricultural and mechanical colleges. More than sixty-nine such institutions came into existence. Morrill always urged increased federal aid to such schools. His goal was practical higher education, and he was successful.

In 1866, he began his career in the U.S. Senate, where he served for thirty-two years. He chaired the Finance Committee from 1877 to 1879, 1881 to 1893, and 1895 to 1898. Although his name was not attached to any legislation, he continued his crusade for federal aid to higher education. His other legislative passion was creating places of beauty in the public places in the **District of Columbia**, around the U.S. Capitol, and the White House. As chairman of the Buildings and Grounds Committee, he established the Hall of Statuary, and was responsible for the completion of the capitol rotunda and the Washington Monument. He encouraged the construction of the Library of Congress. Working with Frederick Law Olmsted, they jointly landscaped the grounds. His last congressional measure was legislation that acquired the land on which the **Supreme Court** Building now stands.

Morrill was a loyal member of the Republican Party who voted for the **impeachment** and conviction of **Andrew Johnson**. He disapproved of the **Liberal Republican** Revolt of 1872. He also opposed the vote for women, and federally mandated the eight-hour workday. In foreign affairs, he was a mild isolationist, who opposed the purchase of Alaska, the annexation of

Hawaii, and the acquiring of Santa Domingo. He was also against the Spanish-American War.

Working in the Congress until a week before his death, Morrill represented much that was good and decent in the public life of his time. He stands as a great legislator, who never let momentary passions distract him from his status as a gentleman. *See also* Agriculture; Congressional Reconstruction; Grant, Ulysses S.; Republicans, Radical; Women's Movement.

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*Donald K. Pickens*

### **Morton, Oliver P. (1823–1877)**

Oliver Hazard Perry Throck Morton is best known for serving as governor of Indiana during the Civil War. A supporter of President **Abraham Lincoln**, Morton contributed in a variety of ways to the Union cause, yet he remained a highly controversial figure throughout his political career.

Morton was born in Salisbury, Wayne County, Indiana, on August 4, 1823. After Morton's mother died, his father sent him to live in Centreville, Indiana, where he was raised by two strict aunts and his grandparents. He studied for one year at Wayne County Seminary and afterward served for four years as a hatter's apprentice, working under his elder half-brother. Morton left this apprenticeship to resume his schooling at Miami University in Oxford, Ohio, where he became widely regarded on campus as an expert debater. He left the university after two years (1843–1845) to study law in Centreville at the office of John S. Newnan. In 1847, Morton was admitted to the state's bar and became a well-respected corporate attorney who frequently worked for the **railroads**. He later served as judge of the sixth judicial circuit of Indiana (1852).

### ***An Original Republican***

For ten years, Morton was a member of the **Democratic Party**, but he left the party because he opposed the degree to which southern states had an influence on policy. He joined the state's People's Party, and was its gubernatorial nominee in 1856. His campaign platform favored homestead legislation and promoted protectionism for U.S. industry. Though he was defeated in the 1856 election by Ashbel Willard, the party and its platform easily transformed, and soon Morton found himself helping to create the new Republican Party. As a Republican, Morton was elected lieutenant governor in 1860. When his former running mate Governor Henry S. Lane (1811–1881) left office to serve as a U.S. senator, Morton filled his position and officially became Indiana's governor on January 16, 1861.

When the Civil War erupted, Morton proved determined to defend the Union. When President Lincoln first called for troops, Morton, with assistance from Lewis “Lew” Wallace (who became a Union general) quickly gathered more than 6,000 soldiers for the **U.S. Army** and was also able to answer every subsequent call for men. In large part due to Morton’s efforts, Indiana provided 150,000 enlisted men, rarely having to rely upon the draft. When **Kentucky** Governor Beriah Magoffin, a Confederate sympathizer, refused to issue a call for troops in his state, Morton provided a rallying point for Kentucky Unionists and permitted Indiana’s citizens to enlist in Kentucky regiments. Morton came to the rescue of Kentucky during the Civil War so often that he became known as the “Governor of Indiana and Kentucky.” “The War Governor,” Morton also was sometimes referred to as the “Soldier’s Friend.” He was instrumental in organizing the General Military Agency of Indiana, and establishing the Soldiers’ Home, Ladies’ Home, and Orphans’ Home, all organizations devoted to the needs of soldiers and their families. Morton established an arsenal in Indianapolis, which supplied Indiana’s troops and sold ammunition to the federal government. When the Indiana legislature seemed unresponsive of the war effort, Governor Morton searched elsewhere for financial support for the state government. Morton personally raised \$500,000 in a matter of days—\$100,000 of which came from Cincinnati merchant Mark E. Reeves—to finance bonuses and advance pay for new troops.

### *An Ideological Shift*

Although Morton frequently supported President Lincoln’s war measures, he voiced concerns about excessive military arrests, resisted the draft, and opposed **emancipation** of slaves until Lincoln issued the Emancipation Proclamation on January 1, 1863. In 1864, Morton was reelected governor along with a Republican legislature. One reason that Morton was able to win this reelection was that he managed to arrange for more than 9,000 ill and injured Indiana soldiers to be sent home in time to vote. He further showed his support for the troops by personally welcoming back every regiment and battery returning from war with a ceremony and dinner. Morton suffered a stroke in 1865, partially paralyzing his legs; from this point forward, Morton could walk only with the help of canes. Despite these physical ailments, Morton remained active in office as a vocal opponent of the Peace Democrats and secessionists. Morton initially supported Lincoln’s conciliatory plan for Reconstruction, but later came to view it as too lenient and in the postwar years aligned himself with the **Radical Republicans**.

Morton continued to serve as governor until 1867, when he won a U.S. Senate seat. Senator Morton distinguished himself as a leading Radical Republican, leading the movement to pass the **Fourteenth Amendment**, which would be the first national provision for **black suffrage**. He was greatly influential in the adoption of the **Fifteenth Amendment** two years later. Morton was elected to a second Senate term in 1872.

In August 1877, Morton suffered a second stroke and consequently traveled to Indiana to recover at his home in Indianapolis. He died November 1, 1877,

still serving his second Senate term. Republican president **Rutherford B. Hayes** ordered the flags at all public buildings in the United States to be placed at half-mast to mourn Morton's passing. Morton was buried in Indianapolis at Crown Hill Cemetery. *See also* Abolition of Slavery; Amnesty Proclamations; Congressional Reconstruction; Johnson, Andrew; Military Reconstruction Acts; Presidential Reconstruction; Suffrage; Thirteenth Amendment.

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*Heather Duerre Humann*

### **Moses, Franklin J., Jr. (1838-1906)**

**Scalawag** governor of **South Carolina** from 1872 until 1874, Moses was born Franklin Israel Moses, Jr., in Sumter District, South Carolina. Like his father, he changed his middle name to the initial J. The elder Moses was a lawyer and politician and a member of a prominent Jewish family; Moses Jr., however, was not raised in the Jewish faith and eventually became a vestryman in the Episcopal **Church**. He entered South Carolina College in 1853, but left without obtaining a degree. In 1859, he married Emma Buford Richardson of Sumter. Originally a secessionist, Moses served as secretary to Francis W. Pickens, the state's governor during the Civil War. Moses served the Confederacy during the war; in fact, it was reputedly Moses who raised the Confederate flag over Fort Sumter in April 1861. After the war, he edited the Democratic *Sumter News* and served as a secretary to the 1866 state **constitutional convention**, in which white South Carolinians under **Andrew Johnson's** restoration program attempted to rejoin the Union while changing their state as little as possible.

From 1866 forward, however, Moses became increasingly alienated from the more conservative former Confederates that surrounded him, and his editorials grew increasingly sympathetic to Congress's view of Reconstruction. In 1867, when Congress overrode President Johnson's veto of the **Military Reconstruction Acts**, the current state government faced dissolution in the face of new constitutional conventions elected by universal manhood **suffrage**. Moses, now openly a Republican, won election as a delegate from Sumter. In the 1868 convention, 74 of whose 124 delegates were **African American**, Moses emerged as a champion of the Republican Party and of the poor, speaking several times in favor of debtor relief and poor relief.

After the convention, Moses was elected to the state House of Representatives from Sumter, and in that body, he was elected Speaker. From that position, he exercised a great deal of power, and by his own later admission, used that power to extort bribes. He later admitted to having

received \$25,000 to allow state officials to put loyal legislators on important committees, and to help them pass bills. He also reported that he received \$15,000 to prevent the impeachment of two of those officials, **carpetbag** governor **Robert K. Scott** and Treasurer Niles G. Parker. He also built up a powerful political network that helped elect him governor in 1872.

As governor, Moses demonstrated the same concern for the poor and the same practical competence that he had demonstrated in the convention, but also the same tendency toward malfeasance and corruption that he had shown as Speaker of the House. In an 1873 message, he called for reform of the **sharecropping** system and the crop lien laws, both of which he considered economically backward and oppressive to poor farmers. Also that year, the state finally undertook to bring some order to the morass of debt created by the Scott administration. The legislature repudiated part of the debt and funded another part, thus bringing the state's indebtedness down to a level it could maintain. In other southern states, it was not until **Redemption**—the return of native white Democrats to power—that this work was achieved.

On the other hand, Moses continued to use his official position to enrich himself—or more precisely, to keep afloat, since he lived far beyond his means. For example, in 1873, he purchased the Hampton-Preston mansion, which had been home to two of South Carolina's wealthiest families. To support his extravagant lifestyle, Moses signed fraudulent warrants on the Governor's Contingent Fund, and he was alleged to have sold **pardons** to criminals. In 1874, with the national Republican Party calling for the South Carolina party to reform, Moses was not renominated for governor. His friends in the legislature elected him to a circuit judgeship in 1875, but he was prevented from taking office by the new governor, carpetbagger **Daniel H. Chamberlain**.

After the overthrow of the Republican state government following the so-called **Compromise of 1877**, Democrats set out to expose the criminal actions of their predecessors and thereby justify their seizure of power. Moses, certainly among the most guilty, aided in this effort by providing evidence against himself and many of his former associates. After admitting his peculation to the Democratic legislators, Moses left South Carolina for the North. He was later arrested and jailed for petty crimes in Massachusetts, Chicago, and Detroit. He finally settled in Winthrop, Massachusetts, where he briefly edited a newspaper and intermittently moderated in town meetings. He died there on December 11, 1906, asphyxiated by gas from a stove; it has never been determined whether his death was an accident or suicide. *See also* Black Suffrage; Congressional Reconstruction; Democratic Party; Labor Systems; Presidential Reconstruction; Republicans, Liberal; Scandals; Taxpayers' Conventions.

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*Hyman Rubin III*





# N

## **Nast, Thomas (1840–1902)**

Political cartoonist Thomas Nast helped to shape the way the public viewed important issues of his day. While best remembered for his Reconstruction-era political cartoons, he is also associated with creating the elephant as a Republican Party symbol and the popular image of Santa Claus as described in Clement Moore's Christmas poem.

Born in Germany in 1840, Nast moved with his family to the United States in 1846. By age 16, he was working as an illustrator for *Frank Leslie's Illustrated Newspaper*. In the summer of 1862, he became a staff artist for *Harper's Weekly*. Both President **Abraham Lincoln** and General **Ulysses S. Grant** praised him for his contributions to the war effort and ultimate Union victory in the Civil War.

During Reconstruction, Nast's work had a similar impact upon his readership. More of a **Radical Republican** than he might admit, Nast articulated through his work the ideals, as he saw them, of the Republican Party. His great talent was to produce cartoons that featured individuals whom the readers of the day could recognize and characterizations that they readily understood. Nast's most potent targets were political figures, former Confederate leaders, and southern institutions. He particularly delighted in excoriating President **Andrew Johnson** by depicting him as an inhumane tyrant, a Roman emperor sacrificing victims in the arena or on the chopping block with indifferent ease. His drawings could border on the grotesque, especially when depicting southern violence toward Republicans and freedpeople. An expert at heaping scorn on opponents of progressive change, he also used his art to applaud federal successes, and unabashedly approved of **African American civil rights, black suffrage, and equal education.**



Self-caricature of Thomas Nast sitting on floor sharpening pencil; issues of *Harper's Weekly* are pinned on wall, 1876. (Courtesy of the Library of Congress.)

He turned the same power of his pencil in support of Ulysses S. Grant and against his **Democratic Party** opponent **Horatio Seymour** in 1868, and the bolting **Horace Greeley**, in 1872. Seymour's features played brilliantly into Nast's hands as he twisted the candidate's hair into horns; while Greeley's hat and white coat (with the ubiquitous tag for running mate H. Gratz Brown that occurred when the artist could not locate a picture of him in time for print) became the trademarks of that campaign.

Whether depicting the "crocodile tears" of those who sought to accommodate with the defeated South, the platitudes of politicians over the graves of fallen Union veterans, the elevation of ex-Confederates over blacks who had served the Union or suffered as slaves, or the excesses of **race riots** and the **Ku Klux Klan**, Nast pursued his artistic efforts with zeal and determination. He became a powerful advocate for reform in New York City by exposing the **scandals** associated with Tammany Hall's **Democratic Tweed Ring**. Many directly credit his drawings with helping to topple William M. "Boss" Tweed and his cronies from power.

Nast's collaboration with Harper's ended in 1886. He freelanced and then undertook a diplomatic post in Ecuador, but held it for only six months when he contracted yellow fever

and died on December 7, 1902. *See also* Elections of 1868; Republicans, Liberal.

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*Brian S. Wills*

## National Union Movement (1866)

The National Union Movement was an attempt by President **Andrew Johnson** to protect his Reconstruction policy by crafting a new political party. Called the National Union Party, this movement would bring together Democrats, conservative and possibly **Moderate Republicans**, and others alienated by the aggressive tone of the Republican Party. Johnson hoped the party would seize Congress in the fall 1866 elections, and even open the door for his presidential run in 1868.

### *A Growing Rift: Congressional Republicans and the President*

A seasoned politician, Johnson recognized by the summer of 1866 that he and his program were in trouble. His self-proclaimed defense of white culture, federalism, and the **U.S. Constitution**—made clear in his antagonistic veto messages for the **Civil Rights Act** and the **Freedmen's Bureau Bills** the previous spring—had driven many Moderate Republicans into the Radical camp. Continued **violence** against former slaves and Unionists in the South, and the incomprehensible arrogance displayed by former Confederates, turned the tension that had existed between Congress and the president into a full-blown struggle over the future of the South, the freedpeople, and the nation.

To promote his program of swift reconciliation, Johnson needed a Congress that would work with him, on his policy and his goals. Eventually, Johnson envisioned (perhaps naively) his own election as president, so that the executive would still control policy, backed by a supportive Congress, but the next presidential campaign was two years away, whereas Congress was up for grabs in a matter of months. If Johnson could secure Congress, he believed his program would be safe—and his election as president all but guaranteed.

### *Creating a New Party*

His vehicle for securing control of Congress was a new political party. Unlike the twentieth century with its entrenched two-party system, party politics were much more fluid and dynamic in the nineteenth century. Politicians saw entire parties come and go, and may have belonged to several during their political career; some **Radical Republicans** may have begun as Whigs, dallied with the Nativist/Know-Nothings, spent time in the Free Soil or perhaps Liberty parties, all before joining the new Republican Party. The idea of a new party was therefore not unknown, and Johnson made the initiative more attractive by reaching back to the war years. In 1864, at the height of the war, **Abraham Lincoln** and his Republican Party had created a new organization for the presidential contest, the **National Union Party**. With Union as its platform, it opened its arms to all manner of members, including War Democrats such as Andrew Johnson. Harkening back to the unifying message of “The Union” to curry broad-based cross-party appeal, in June 1866, Johnson and his advisors announced a call for a National Union Convention to meet in Philadelphia in August. This marked the opening shot in the battle for control of Congress.

President Johnson hoped that the National Union Movement would gather all those disaffected with the radical nature of the Republican agenda. Certainly, his base was with the **Democratic Party** and other conservatives, but his appeal had to capture the North. (This was another reason for the new party, of course, since the Democratic Party still carried the stigma of slavery, secession, and treason.) To gain northern votes, Johnson's advisors, including Navy secretary **Gideon Welles**, Treasury secretary **Hugh McCulloch**, Senator **James R. Doolittle**, and the **Bennetts**, father-son owner-publishers of the *New York Herald*, positioned the party as a protector of the Constitution, white opportunity, and traditional American state's rights federalism.

### *Conventions and Campaigning*

The movement and the campaign formally opened with the National Union Convention in Philadelphia on August 14, 1866. Called by reporters the “Arm-in-Arm Convention,” the spectacle began with a procession of dignitaries led by Governor **James L. Orr** of **South Carolina** and Darius Couch of Massachusetts, who entered the hall walking arm in arm. The symbolism was, of course, deliberately concocted, as the former slaveholder from the state that seceded first was an unlikely chum of a decorated Union general. For two days, conventioners from states North and South blasted the Republican’s financial plan, the national bank, the tariffs, and most important the various Reconstruction items that overturned traditional state’s rights, dangerously elevated ignorant freedpeople, and opened the door for federal tyranny. On August 16, as the convention closed, delegates passed resolutions of gratitude to veterans for saving the Union, and in support of Johnson’s restoration program.

The Republicans countered with two conventions, one in Philadelphia in September and the other later in Pittsburgh. These revealed embarrassing divisions in the party, in particular over the controversial issues of **black suffrage** and land confiscation. Overall, however, the Republican meetings did little to either bolster the Republican effort or hamper it. The party, like all parties, had its internal differences, and had difficulty articulating a clear, coherent platform, but while Republicans could offer no specific, common program of action for the future, they could easily find common cause in what they opposed: Johnson’s refusal to reform the South. Republicans on campaign did not need to propose what they would do; they merely directed voters’ attention to what Johnson had done—and what he had not.

President Johnson inadvertently assisted the Republican effort, and he and his program were their own worst enemies. Knowing his cause was lost unless he convinced northern voters of the righteousness of his mission, Johnson embarked on one of the most dysfunctional campaign trips of all time. His ill-fated **Swing Around the Circle** speaking tour made more enemies than friends, engendered greater hostility among northern voters and moderate politicians, and even cost him some allies: Bennett and the *Herald* began to distance themselves from the president after the embarrassing saga.

Johnson’s obstinate behavior, and continuous reports of violence in the South, were proof enough that the president and his program had failed. Voters flocked to the polls beginning in September, and by November, all understood that the next Congress would be firmly in the hands of Republicans. The **elections of 1866** not only spelled doom for the short-lived National Union Party; they also sealed the fate of Johnson’s restoration program. *See also* African Americans; Amnesty Proclamations; Civil Rights; Congressional Reconstruction; Democratic National Convention; Elections of 1868; Fortieth Congress, Extra Session of; Memphis Riot; New Orleans Riot; Pardons; Presidential Reconstruction; Race Riots; Washington’s Birthday Speech.

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*Richard Zuczek*

### **National Union Party (1864)**

The National Union Party was a name adopted by Republicans during the **election of 1864** to appeal to War Democrats who would not want to vote for the peace-oriented **Democratic Party** nominees, but who would feel uncomfortable voting for Republican candidates. **Francis P. "Frank" Blair, Jr.** organized the first Union Party in St. Louis, Missouri. In January 1861, Blair was already gathering Unionists, whether Republican or Democrat, into a single party. Pro-Union coalitions quickly spread across the North, and by the fall elections of 1862, they could be found in every state still in the Union. These coalitions were often informal and not very well organized. They were also unpopular in some areas of the North, causing politicians to blame them for the Republican losses in the 1862 local and state elections.

Much to the disgust of the **Radical Republicans**, President **Abraham Lincoln** soon urged the Republican Party to organize under the National Union Party name. He wanted very much to capture the Unionist vote of both parties. The Republicans evidently did not use the name any earlier than October 1863. However, simply changing the name did not make the National Union Party any less the Republican Party, a fact that angered a number of Democrats.

The National Union Party made it possible to have Abraham Lincoln, a Republican, as presidential candidate and **Andrew Johnson**, a Democrat, running for vice president on the same ticket. In the spring of 1864, some disgruntled Radical Republicans had considered replacing Lincoln as the presidential candidate. When the National Union Party convention met in Baltimore in June 1864, there was some movement to replace the current vice president, Hannibal Hamlin, with a War Democrat to broaden the party's appeal. Although Lincoln was favorable to Johnson, research published in 1995 demonstrates that Lincoln did not maneuver to have Johnson nominated, nor did he even express a preference for a running mate. Once the convention had decided to select a War Democrat, Johnson was the natural choice. As a senator from **Tennessee**, he had vigorously opposed secession in 1860 and 1861, and was the only senator from a seceding state to remain in Congress after his state had left the Union. In March 1862, Lincoln had appointed Johnson **military governor** of Tennessee, a post involving difficult duties, which Johnson generally handled with competence. In addition, Johnson had harshly denounced southern traitors and urged their punishment. As a result, he not only appealed to War Democrats, but most Republicans could also feel comfortable voting for him.

After the election of Lincoln and Johnson in November 1864, Republicans dropped the National Union Party name almost immediately, but the effect of the name was significant: Not only might it have helped Lincoln and the Republicans win, it drastically affected the course of Reconstruction. When Lincoln was **assassinated** only six weeks into his second term, his successor

was not a Republican but a Democrat who ultimately had very different ideas from most of the Republicans.

The **National Union Movement** of 1866, while resurrecting the same name and attempting a similar coalition strategy, was actually a party of Democrats with some conservative Republicans. *See also* Presidential Reconstruction.

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*Glenna R. Schroeder-Lein*

## New Departure

The New Departure was a name given in the 1870s to the **Democratic Party's** eventual acceptance of the Civil War settlement. This development was long in coming, for despite white southerners' assurances that they did in fact accept the results of the war, their acceptance had been carefully hedged with cautions. They admitted that they had been beaten, but many did not acknowledge having actually surrendered.

At the war's end, many former Confederates insisted that they had the right to set the terms for reunion, protested President **Andrew Johnson's** appointment of **provisional governors**, and made no secret of their readiness to undo the wartime Reconstruction governments that President **Abraham Lincoln** had set in motion. They accepted the **abolition of slavery** grudgingly, meted out rights to the former slaves in skimping measure, denounced federal **civil rights** laws as unconstitutional intrusions, pronounced peacekeeping military forces as tyrannical satraps, declared the **Military Reconstruction Acts** unlawful, and denied that **African American** males could be made voters or that any government based on **black suffrage** would stand. Some northern Democrats argued even that amending the **U.S. Constitution** was unconstitutional, if its provisions went against the spirit of the original document—which, they argued, any intrusion on the states' rights to define citizenship or protect slavery did. Diehards declared that if the southern governments were not legal enough to be represented in Congress, as **Radical Republicans** claimed, then they could not be legal enough to ratify the **Thirteenth** and **Fourteenth Amendments** and put them into the Constitution. Ferocious speakers announced that the Republican Congress itself was illegal, a "Rump" unable to pass lawful legislation, however carefully crafted, because it lacked the quorum that only southern membership in House and Senate could provide. Investors were assured that as soon as the southern Republican governments fell, their successors would declare all their doings void, turning the state bonds into wastepaper. The culmination came in the 1868 **Democratic National Convention**, when the platform declared the Reconstruction policies unconstitutional, null and void, and vice presidential candidate **Frank Blair, Jr.** made clear that on coming to power, the Democrats would sweep those governments aside—with federal bayonets to make

the Congress submit to the change, if necessary. Without the rhetorical flourish, countless bands of masked raiders, calling themselves regulators, **Ku Klux**, and Knights of the White Camelia, treated Republican southerners as enemies on the battlefield. They whipped them, shot them, drove them out of town, burned their schools and **churches**, and did their best to suppress any Republican turnout on election day. Tactics like those were enough to carry **Louisiana** and **Georgia** in 1868, but not the country. Embracing revolution, the self-proclaimed conservative party looked menacing and radical, and the Republicans could pose as the defenders of stability and order, the only reliable preservers of what the war had won.

By the time the **Fifteenth Amendment** had passed in 1870, southern Democrats had begun making their peace with what now seemed beyond change. They appealed for black votes, and even endorsed black candidates when no white conservative had any chance of winning. The drawing power of their favorite issue, Negro **suffrage**, vanishing rapidly, northern Democrats wanted desperately to change the subject. The New Departure became an irresistible program. Not denying their original doubts about the means by which the Fourteenth and Fifteenth Amendments had been forced through to ratification, Democrats declared them a dead issue. The amendments were part of the Constitution, until repealed by new amendments, and would be carried out. Politics should make a “departure” to living issues and combatable problems: high taxes, extortionate tariff rates, corporate giveaways and privileges, and government corruption. Led by Clement Vallandigham, Ohio’s foremost Peace Democrat, the party in the Buckeye State embraced the New Departure in 1871, and some Democrats solemnly protested that they had always been friends of black people (one New York congressman noted that it was Democrats who brought Negroes out of the savagery in Africa to an America where slavery could civilize and Christianize them: If that did not show good intentions, what could?). In 1872, the party not only accepted the policy as its platform, but gave the most concrete proof of a change of heart by accepting its lifelong enemy, Republican editor **Horace Greeley**, as its presidential candidate.

This odd marriage of Republican bolters under the **Liberal Republican** flag and repentant Democrats seeking resurrection on the national stage, had potential. The New Departure did much to take away Republicans’ strongest party appeal up north, and gave southern Democrats the rhetorical cover for campaigns returning them to power, but its impact had more success in the South. The Republicans and President **Ulysses S. Grant** won reelection in 1872, whereas the political maneuver helped split the Republicans and thrust them from power in **Virginia**, Missouri, and **Tennessee** as early as 1869, and in all of the Upper South by 1874. In fact, the concession was as much illusion as reality. Democrats promised to abide by the amendments, but defined their scope so narrowly that they prevented national enforcement of their provisions. Southerners appealed for black votes to get into power, where blacks could be kept from wielding power commensurate with their numbers ever again. **Violence** continued as well. The main impact of the change of political base was to encourage a Republican New Departure already well under way: of moderates weary of upholding Reconstruction governments down south,



wearier still of war issues, and determined to shift to issues of administration and finance. *See also* Bourbons; Cincinnati Convention; Presidential Reconstruction; Redemption.

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*Mark W. Summers*

### **New Orleans Riot (1866)**

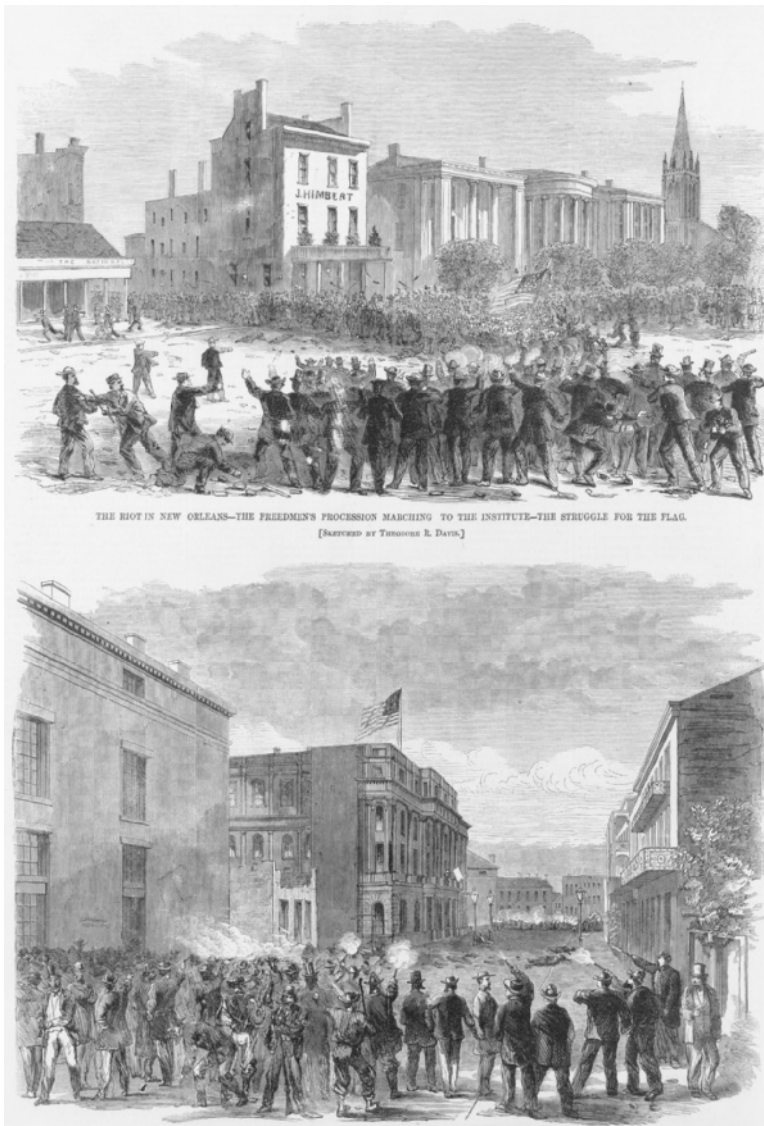
The race riot in New Orleans, **Louisiana**, was one of two riots in the summer of 1866 that helped undermine **Moderate Republican** support for President **Andrew Johnson's** Reconstruction efforts. Following only two months after similar violence in Memphis, **Tennessee**, the July riot was especially damaging, at least in the eyes of the president's **Radical Republican** opponents, because it occurred in a state that was supposedly reconstructed and ready for **readmission** into the Union under Johnson's restoration plan. The president had been arguing since the preceding December that Louisiana (and the rest of the South) needed no further federal supervision and that its former slaves required no federal protection. For some northern voters, the riots were a factor in their rejection of Johnson-backed candidates in the fall **elections of 1866**.

Louisiana's entire history during the Civil War and Reconstruction periods was one of political infighting and racial tensions. The 1866 riot grew out of the continuing battle for political power and over **black suffrage**. Governor **James Madison Wells**, a wealthy planter before the war, had been a Unionist as the state debated secession; after the war, he allowed former Confederates to vote in an effort to build a political base. As a result of this latter step, he soon found both the legislature and most parish governments under conservative control. The state **Democratic Party** explicitly stated its opposition to black suffrage, a necessary base for the Republicans in the state. In an attempt to turn the state's political direction, Wells worked with Louisiana Radicals to take advantage of a legal technicality that would allow the reconvening of the 1864 **constitutional convention**. That body, despite dubious legality and limited support even from Republicans, would likely enfranchise blacks and **disfranchise** former Confederates, as well as establish a new state government.

Seeking to prevent the "rump" convention of white and black delegates from meeting and forcing black suffrage on an unwilling state, a mob of armed whites, mostly poor, young men, attacked the two dozen delegates and their 200 black supporters as they marched to their meeting site, as they sought shelter in the convention hall, and as they fled waving white flags. The police, which had a history of harassing and intimidating blacks, joined rather than restrained the mob. The local commander of federal troops, having received

incorrect information about the convention's meeting time, failed to use the 800 troops under his command to prevent the **violence**; however, when troops arrived two hours after the rioting began, martial law was imposed and order slowly restored.

Over three dozen delegates and marchers were dead, all but three of whom were black. Among the dead was Anthony P. Dostie, the radical former state auditor who whites feared had been inciting blacks to use violence. More than 200 were injured in the attacks, in attempting to escape, or because they were in the wrong place at the wrong time. The attackers suffered only one dead



Two sketches from *Harper's Weekly* of the riot in New Orleans. (Courtesy of the Library of Congress.)

and two dozen injured. General **Philip H. Sheridan**, whose military district included Louisiana, reported that the city experienced a slaughter at the hands of the police. His telegrams to Washington, D.C., reporting on the riot provided newspapers with detailed descriptions of the attackers' and city's responsibility for the death and destruction.

President Johnson had no direct link to the violence, but he had required no protection of or security for **African Americans** in the South as part of his Reconstruction plan, and he was in the process of attempting to stop the states' consideration of the **Fourteenth Amendment**, which denied states the power to limit persons' life, liberty, and property without due process and or deny the equal protection of the laws. However, Secretary of War **Edwin M. Stanton**, a Radical, had failed to show the president a perriot telegram from the local commander of federal troops requesting instructions on handling the explosive situation. Thus, conservatives blamed the Radicals for the violence. A three-man congressional investigating team composed of two Republicans and one Democrat divided along party lines in its analysis of the responsibility for the riot. *See also* Civil Rights Act of 1866; Longstreet, James; Militias; National Union Movement; Presidential Reconstruction; Race Riots; U.S. Army and Reconstruction; Violence.

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## New South

The New South referred to the post-1877 period when white conservatives in the South attempted to rebuild their society and recover from the changes wrought by Civil War, **Congressional Reconstruction**, and **Radical Republican** control. Their efforts brought a wave of initiatives, including new ventures in industrialization and in **agricultural** development. Prominent southern journalists such as Henry Grady of the *Atlanta Constitution*, and Richard Edmonds of the *Manufacturers' Record*, pushed for southern white rule, land expansion, sectional reconciliation, and racial separation. Bankers, merchant planters, and industrialists flourished under the system of the New South. What the New South did not do was challenge old racisms or systematic methods of siphoning wealth and power from the underprivileged classes, such as the yeomen (small farmers) and poor whites. As one might expect, **African Americans** suffered the most during this period. Despite the experience of **emancipation** and reconstruction, blacks were at the mercy of southern white Conservatives, who obliterated black **civil rights** and their political power, assailed them with **violence**, and reduced them to abject poverty. At the heart of the New South remained an economy, government, and social life based on the old system of slavery.

## *Redemption*

By 1877, the **Bourbons** or Redeemers (southern white Conservatives) had reclaimed political control for native whites throughout the South. They expelled all Radical Republicans. This process was referred to as **Redemption**. Bourbons redeemed control of the region by buying black and white votes, ballot fraud, violence, threats, and intimidation. Bourbons was a term derived from the French Bourbon family who managed to restore the monarchy in France after Napoleon's defeat in the early nineteenth century. The Bourbons consisted of old planters, wealthy bankers, merchant planters, and a few industrialists.

Once in power, however, southern Conservatives were split as to what to do next. Some wanted to go back to life as it used to be in the Old South (or antebellum South), a life based on **agriculture** and slavery. At the top of this old system sat the very wealthy landowners, followed by the merchants and the professionals, the yeomen farmers, the poor whites who lived in isolated mountainous regions, and the slaves. The prominent "cash crops" were tobacco, rice, sugar, and cotton. Little else was grown for export. Cotton was the most sought-after crop because it was the cheapest to grow, and the most profitable. On the other hand, it exhausted the land (although not as swiftly as tobacco). It also required a great deal of slave labor and land.

Many southern Conservatives after Reconstruction attempted to maintain the old way of doing things, but most southerners realized that progress could not be achieved by turning back the hands of time—or by following the old rules. New rules were in order. Southerners needed money to resuscitate their war-ravaged communities; the time of free labor was over, and they did not want blacks, **carpetbaggers**, or **scalawags** ever to rule over them again.

## *Economics and the New South*

White southerners took control over their economy. Rather than succumb to the absolute industrialism of their neighbors in the North, southerners incorporated industry into their agrarian way of life. In doing so, they solved an old problem. In the antebellum South, landowners had relied upon the North to transport their products, such as cotton, to the northern cities and European markets. They had also relied upon northern industries to process the cotton. Even then, southerners did not like this dependence on outsiders, nor did they like having to share their profits or pay exorbitant prices for the finished products. The solution was to invest in ships, new roads, and **railroad** systems. These investments in infrastructure and new forms of transportation enabled planters to trade directly with the North and with European countries. They also built factories and mills to prepare their crops, thus controlling the prices and production themselves. Southern whites constructed new cotton mills, tobacco factories, and wool and rayon mills. Tobacco factories were prevalent in **Virginia**, **North Carolina**, and **Kentucky**. These factories led to the development of new towns, and semi-urban areas began to appear across what had been a vastly predominant agrarian region. Most of these towns were located in **West Virginia**, **Tennessee**, North Carolina, **Georgia**, and **Alabama**. The labor force consisted of former yeomen

farmers and poor whites. No blacks were allowed to work the machinery in the factories, and very few lived in the towns.

The new mill owners ruled over the southern towns. The mill owner provided each town with a company store, a **church**, houses, and other amenities of life. He also paid the salaries of all the constituents in the town, including the police and preacher, as well as the workers. Poor whites eagerly embraced the opportunity to live in homes that were vastly superior (though cheaply made) to the shacks of their former lives. However, yeomen farmers were reluctant to work in factories and mills. Classic models of southern independence and self-reliance, they were forced to work because of debts accrued during the war and increased taxes during Reconstruction. Inured by years of subservience and poverty, former farmers and poor whites willingly toiled long hours for low wages. Not surprisingly, the South during this time did not experience the onslaught of foreign immigration, labor complaints and strikes, and urban industrial turmoil that shocked the North. Wealthy southerners exploited lower-class whites just as landowners had exploited their slaves. Southern industry and economy bloomed under these conditions.

Increased access to markets, new factories and mills, and technological experimentation helped encourage the development of agriculture and related new ideas for making money. Yet, cotton still remained the most profitable source of income for the South. Southerners made cotton more profitable by utilizing new fertilizers and alternating the land, and alternated cotton with other crops, which reduced the wear and tear on the soil. The South further increased its wealth by expanding cotton production to regions such as **Texas** and Oklahoma. Other experiments in agriculture yielded more varieties of tobacco and better methods of growing sugarcane, and rice.

For the first time, southerners found ways other than growing the traditional cotton, rice, sugar, and tobacco crop, to supply their incomes. Taking advantage of the South's long growing season and warm climate, planters exported nuts, grains, fruits, and vegetables. **Mississippi** established creameries. Tennessee supplied poultry. Recognizing the national expansion in size and population, southerners found opportunities in the region's rich sources of minerals, lumber, and oil resources. Iron and coal were mined in the Appalachian region, and steel was manufactured in Birmingham, Alabama. Coal mining intensified in various states, including Virginia, North Carolina, Kentucky, West Virginia, Alabama, Tennessee, **Arkansas**, and Texas. Texas, Oklahoma, **Louisiana**, Arkansas, Kentucky, West Virginia, and Tennessee led the way in providing oil for increasing fuel demands. Other successful ventures included naval stores, furniture making, and pulp mills.

### ***Agricultural Labor Needs***

What to do after the **abolition** of slave labor was the chief concern of planters and large landholders. Crops still needed to be planted, tended to, and harvested. These needs were eventually met by the new systems of tenant farming and **sharecropping**. Tenant farmers paid landowners for the right to grow crops on a certain piece of property. They owned their own livestock and tools, making enough profit to pay their rent. Tenant farmers were largely

comprised of members of the yeomen class (as it was known in the antebellum South). Before the war, yeomen farmers lived independently, growing enough food to feed themselves and their families on land they owned. Occasionally, yeomen farmers rose to wealthy landowner status. Sharecroppers, normally penniless, farmed for the landowner in exchange for a determined share of crops. Blacks tended to be sharecroppers. Both systems were little better than slavery, as both the tenant farmer and sharecropper stayed indebted to the landowner, from whom they received the credit needed to purchase goods and food. Farmers and croppers were often illegally forced to work the land until they paid off their debt. Moreover, blacks and whites rarely accumulated enough money to pay off their debts, purchase property, or attain wealth.

All of these groups—even the landholders themselves—fell under the power of the newest class in the economic chain, the merchants and bankers. Merchants and bankers provided loans to landowners, who possessed the plots but had little in the way of disposable income or liquid cash (another reason paying workers with a “share” of the “crop” made sense). Loan rates were exorbitant, and could range from 40 to 100 percent of the amount of the loan. As a result, merchants and bankers repositioned themselves at the top of the economic ladder in the South. Merchant landowners were individuals who owned property and supplied credit to others.

### ***Politics in the New South***

The objective of the Bourbons was to eradicate the region’s debt, while maintaining their own interests and white dominance. Like politicians of the Old South, leaders of the New South desired a government with limited powers—a “laissez-faire” government—which left things largely alone. Especially following the turbulence of Reconstruction, they desired a return to the traditional American federalism, where governments did little beyond deliver mail and provide defense. They did not want a government that intervened directly into their affairs, especially with regard to taxes. As a result, Bourbons drastically cut state taxes, which had a devastating impact on the new schools established during Reconstruction.

The Bourbons achieved many of their goals. H. H. Riddleberger organized the Readjuster Party, whose main concern was to reduce the South’s debt, which had mounted to a total of more than \$140,000,000. The party was able to repudiate most of this debt. Nevertheless, the Bourbons showed no consideration for the impoverished classes, the laborer, or black rights. In fact, they made every effort to crush blacks and poor whites in order to advance themselves. This focus is still debated, as to whether it was a selfish class action, or a necessary approach for the good of the region at large.

For instance, following Reconstruction and Redemption, blacks received little help from the federal government or the North in general. Moreover, the U.S. **Supreme Court** undid several civil rights laws established during Reconstruction in a series of decisions made between 1878 and 1898. For instance, in *Hall v. DeCuir* (1878), the Supreme Court voided a Louisiana law that prohibited racial discrimination on public transportation. In *United States v. Harris* (1882), the Court granted each state the power to make its own

decisions regarding punishment for crimes such as murder and assault. As a result, many southern states did nothing to stop the horrendous attacks against blacks. The Supreme Court also did away with the **Civil Rights Act of 1875** in the *Civil Rights Cases* (1883) decision that declared that each state must pass a discriminatory law before Congress could intervene. The Court also declared lawful the “separate but equal” accommodations for blacks and whites in *Plessy v. Ferguson* (1896). Thus, **Jim Crow** legislation was in full adherence to national law (note that Jim Crow referred to social segregation, not political roles, a frequent confusion). In *Williams v. Mississippi* (1898), the Supreme Court confirmed, but did not repair, loopholes in the **Fifteenth Amendment** when it allowed states to require a literacy test for voters. Southern white Conservatives throughout the region established an array of discriminatory tests and requirements and even rewrote state constitutions, all to **disfranchise** black voters. Many whites would be eliminated as well, prompting some states and localities to construct the “grandfather clauses,” provisions that exempted voters from tests if their grandfathers had voted. This would preserve the white electorate but erase the black one.

These New South Bourbons also found little resistance at home. Historians use the term “Solid South” to describe the political party system of the South during this period. As in the antebellum South, few dared to resist the piousness of the wealthy elite and the Democratic Party. There were challenges, of course. In 1875, the Farmer’s Alliance formed in Texas to provide a voice for oppressed farmers. Although not a political party, the Farmer’s Alliance promoted cooperation among farmers. However, projects, such as the establishment of retail stores, were not permanent. Many members of the Farmer’s Alliance eventually joined a political movement, the Populist Party.

The Populist Party (or the “People’s Party,” as it was also called) was the most significant political opposition to the Bourbons, and one of the most exciting third-party developments in American political history. Established in the 1890s, the Populists represented a mass number of disempowered farmers. Although predominately white, the Populists did extend some support and protection to blacks. The reigning white Democratic conservatives defeated the Populists in the 1894, 1896, and 1898 elections by means of ballot fraud, violence, and intimidation. They also purchased speakers and votes. The Populist Party collapsed in 1896, partly due to the numerous defeats, and partly by aligning with Democrats on the “white line,” preferring to support an all-white government. Southerners were adamantly opposed to returning to the mixed-race governments, which had occurred during Radical Reconstruction. Not a coincidence, also in the 1890s, Mississippi, South Carolina, and Louisiana enacted laws and new constitutions to exclude blacks from voting. Starting in 1900, five more states would institute similar laws. These laws, along with violence and intimidation, reduced to almost nothing the number of **black politicians** in state and federal government.

### *The African American Community in the New South*

Blacks were the hardest hit by the retrenchment of the New South. After Reconstruction, neither the federal nor state governments offered blacks any

protection or support. During slavery, some masters would at least provide protection for their property. Blacks had now attained emancipation and **education**, but as a whole, they remained landless, impoverished, and vulnerable to oppressive laws and violence. Just between 1889 and 1918, there were 3,000 lynchings in the South and the North.

These trials do not portray the depth of change that was occurring across the South. Beyond freedom itself, access to education was one of the greatest accomplishments of Reconstruction. Blacks of all ages had flocked to the new schools. At last, blacks were free to marry. Black churches flourished. With the exception of designated “black only” facilities, blacks could go where they pleased. As a result, large numbers of blacks from the South moved north in search of more and better opportunities. Some went west to be cowboys or “Buffalo soldiers.” Others moved to larger and more progressive southern towns, spurred by the hope that life was more than the weary moil of sharecropping and the threat of violence. Flourishing black towns, such as Langston in Oklahoma, Nicodemus in Kansas, **Davis Bend** in Mississippi, and Eatonville in **Florida**, sprang up across the nation. In these communities, blacks could exercise authority over themselves and lead productive and successful lives, unhindered by white racism. They owned farms (which they purchased), schools, stores, newspapers, and churches. Blacks who lived in predominately white areas were often poorer than those who lived in black communities, as they received less pay than their white counterparts and worked at inferior jobs. Denied opportunities for advancement and self-empowerment, and alienated from mainstream society, poverty and crime became a way of life for many of these blacks. Some blacks even migrated to Africa and set up colonies, such as Liberia. Ironically, many antebellum white leaders, including even **Abraham Lincoln**, had belonged to colonization societies that considered transporting emancipated blacks back to Africa as a solution for what to do with the slaves after emancipation.

Black communities also avoided the problems inherent in the rise of the Jim Crow system of segregation, one of the most notorious aspects of the New South. Although many white and black Republicans had hoped to endow blacks with full rights and equal opportunities, conservative whites created a world of forced separation under Jim Crow laws. Under these laws, stores, parks, hospitals, theaters, bus stations, and restaurants were divided into sections for either “whites only” or “blacks only.” More often than not, “black only” facilities and sections were inferior to the white ones. Whites insisted upon separation because they believed blacks and whites should not mingle and could never coexist peaceably. The ideology of the South, born and bred in slavery and white supremacy, needed physical, tangible, observable signs of white dominance and black subordination. Jim Crow laws were the simplest way of reflecting that relationship.

Blacks responded to hostility, repression, and oppression in many ways. Some mulattoes abandoned black communities in order to pass as white. “Passing” afforded blacks irresistible opportunities for advancement and security. Others plunged into crime. Individuals, such as Madame C. J. Walker, made the most of what little opportunities existed for blacks and achieved seemingly impossible success. In a few instances, blacks banded together at



the national level to improve their conditions. With more than 1 million members, the Colored Farmer's Alliance was one of the largest black organizations in U.S. history. Another, the National Association for the Advancement of Colored People, founded in 1909, became a powerful organization that rose to challenge racism in the South and abroad. *See also* Ku Klux Klan; Labor Systems; Race Riots; Scandals; Vagrancy; White League; Women's Movement.

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### Nicholls, Francis Redding Tillou (1834–1912)

Francis R. T. Nicholls was the governor of **Louisiana** whose term from 1877 to 1880 marked the end of **Congressional Reconstruction** in the state. He later served a second term as governor and as a justice on the state supreme court. Born in Donaldsonville, Louisiana, on August 20, 1834, Nicholls graduated from the U.S. Military Academy at West Point in 1855, but resigned his commission in 1856 to practice law. At the beginning of the Civil War, Nicholls enlisted in the Confederate army and eventually rose to brigadier general. He lost an arm at Winchester in 1862 and a foot at Chancellorsville in 1863 and fulfilled administrative duties for the rest of the war. Following the war, Nicholls resumed his law practice and for most of Reconstruction avoided politics, but in 1876, he decided to run for governor, and “all that was left” of him won the **Democratic Party's** nomination.

The 1876 state and presidential elections in Louisiana were rife with intimidation, vote fraud, and **violence**, especially against the state's black population, and both Nicholls and Republican gubernatorial candidate **Stephen B. Packard** claimed victory. Rival legislatures also convened in early 1877, and the state's presidential electoral votes were disputed between Democrat **Samuel J. Tilden** and Republican **Rutherford B. Hayes**. The **Compromise of 1877** gave Hayes the presidency while recognizing Nicholls and the Democratic legislature, thereby “redeeming” Louisiana from Republican rule.

Although Nicholls was personally honest and displayed the patrician's concern for the public good, his notoriously corrupt administration inaugurated the era of **Bourbon** rule in Louisiana that lasted well into the twentieth century. The Louisiana State Lottery Company—a private corporation operating as a state-chartered monopoly and shielded by state treasurer Edward A. Burke—openly bribed state legislators and other public officials, while Samuel L. James and his cronies operated, and profited spectacularly from, the state's infamously brutal convict-lease system. Fiscally conservative,

Nicholls oversaw the lowering of taxes and the consequent reduction of spending on social services, including **education**; and although he eschewed the racial extremism of other conservatives, he was nonetheless firmly committed to white supremacy. Yet, Nicholls's opposition to the lottery and to other excesses of Bourbon rule made him many enemies, and when Louisiana conservatives met in 1879 to write a new constitution, Nicholls's term was shortened by one year. Opposition to the lottery continued to grow, however, and Nicholls was elected governor again in 1888 on an antilottery platform, although this election also witnessed widespread vote fraud against blacks. In 1890, Nicholls vetoed the state legislature's attempt to extend the lottery's charter (which was scheduled to expire at the end of 1893), and although the state supreme court reversed this action, the recharter issue was rendered moot by federal legislation that eventually forced the lottery to relocate to Honduras.

After his term as governor ended, Nicholls served as chief justice of the Louisiana Supreme Court from 1892 to 1904, and as an associate justice from 1904 until his retirement in 1911, years that saw legal segregation and black **disfranchisement** implemented in the state. Nicholls died on January 4, 1912, and was buried in Thibodaux, Louisiana. *See also* Black Suffrage; Elections of 1876; Electoral Commission; Jim Crow Laws; Redemption; Scandals; Suffrage.

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*John C. Rodrigue*

## North Carolina

A number of political and social trends at work in North Carolina for much of the nineteenth century climaxed during Reconstruction. The slaveholding elite had established itself atop the state's political, economic, and social structures at the time of the Civil War, but their control was far from complete. In many ways, the state included two geographic poles with different political agendas, including debates over the level of democracy in North Carolina. Men from the central and western parts of the state advocated internal improvements such as public **education** and improved transportation, as well as constitutional reforms endowing the people with greater political power. On the other hand, the slaveholders living in the eastern part of the state focused more fully on the economy and the preservation of the white elite's authority. At the root of these struggles was power. White slave owners exercised control over lower-class whites economically and dominated the state government, while holding their **African American** slaves and white women in a dependent relationship within their households. Following Confederate defeat, **emancipation**, and ultimately **abolition**, the issue of who held power, how they wielded it, and who had access to it assumed new racial, political, and ideological forms.

The postwar period offered a ripe opportunity for change because of the war's heavy toll on the state. Among the last states to leave the Union, North Carolina made a profound contribution to the Confederacy. More than 120,000 white North Carolinians served in the Confederate army, which exceeded the number of soldiers from any other southern state. More than 40,000 of these sacrificed their lives for the nascent southern nation, but secession's cost could not be measured in blood alone. It also weakened many of the developments of the first half of the century. Both the state's public education system—once the best in the South—and its banks teetered on bankruptcy.

More than the battlefield shaped North Carolina's war experience. Two-party politics persisted through the war. In 1862, voters ousted the predominantly secessionist **Democratic Party** in favor of the new Conservative Party comprised of former Whigs and moderate Democrats. New political leadership did little to alleviate the burden of war. Federal intrusion into the eastern part of the state early in the war exposed the primary fault line in southern society as slaves-turned-**contraband** flooded the Union camps seeking freedom. Supply shortages, the suffering of women and children behind the lines, and declining military fortunes prompted roughly 24,000 Tar Heels to desert the southern armies as well. The home front was not necessarily more peaceful. Guerrilla bands roamed both the mountains and eastern shores, unsettling communities and weakening the Confederacy.

A former Unionist-Whig who converted to secession following the attack on Fort Sumter, Governor Zebulon B. Vance struggled to keep his citizens committed to the war. Viewing the conflict as a matter of personal honor, Vance cast himself as the war candidate when he stood for reelection in 1864. In a state where political competition remained vigorous and guerrilla warfare consumed segments of the population, such a close association with the war effort was a risky political maneuver. His gamble paid off. Even the emergence in North Carolina of one of the Confederacy's most potent peace movements failed to prevent Vance's landslide reelection in 1864. Although Vance's victory could be seen as popular support for continuing the fight, the challenges and social divisions fostered by secession and war would recur throughout Reconstruction.

### ***Wartime Reconstruction***

The surrender of Ft. Hatteras on the state's east coast provoked an early effort to restore North Carolina to the Union. Two local Unionists, Charles Henry Foster and Marble Nash Taylor, convened a meeting in Hatteras on November 18, 1861. Less than ten people attended this assembly, but Foster and Taylor claimed to represent as many as forty-five counties through proxy. As if to underscore the absurdity of their effort, the convention tabbed Taylor as provisional governor and elected Foster to Congress. Since this plan had little support beyond the handful of people in attendance, the first effort at Reconstruction in North Carolina died stillborn.

A more serious effort began when President **Abraham Lincoln** established a military regime under Edward Stanly, a former state politician then living in

California. As **military governor**, Stanly was directed to begin moving the state toward restoration in the Union and alignment with federal goals and laws. Stanly proved a disappointment. He had tenuous control over a small area around New Bern in the eastern coastal region, but no power over the rest of the state. Even more problematic, Stanly steadfastly refused to evolve with the Union war effort. The rapid growth of New Bern's black population—which doubled during the war's first two years—amplified Stanly's discomfiture with the policies of a president drifting toward emancipation. In May 1862, he closed schools established for slaves because educating blacks violated state law. When Lincoln signed the Emancipation Proclamation on January 1, 1863, the military governor realized that he could not restore his native state to the Union as it existed in 1860. His resignation two weeks later ended wartime Reconstruction in North Carolina.

### *Presidential Reconstruction*

Lincoln's death and Confederate general Joseph E. Johnston's surrender at Durham Station placed the South's future in the hands of **Andrew Johnson**, a North Carolina native who translated his success as **Tennessee's** military governor into Lincoln's vice president for the **election of 1864**. On May 29, 1865, Johnson initiated his Reconstruction policy and appointed as North Carolina's **provisional governor William W. Holden**, the controversial newspaper editor and peace leader routed by Vance in the 1864 gubernatorial election. The president ordered the new governor to reestablish the state government and to convene a meeting to draft a new state constitution consistent with emancipation and the other consequences of Union victory.

Holden complied quickly and scheduled an election for delegates to a **constitutional convention**, which opened in October 1865. When the convention finally adjourned in June 1866, it had created the office of lieutenant governor and set white population rather than county wealth as the basis of representation in the legislature. Popular focus, however, was on its dealings with the war's aftershocks. Resolutions repealing secession and abolishing slavery passed with little difficulty. Much more divisive was the resolution introduced by Thomas Settle, Jr., a Democrat who later denounced the Confederacy and joined the peace movement, to repudiate the state's war debt. Many North Carolinians feared that the debt's negation would deliver a fatal blow to the beleaguered state banks and public schools. A majority of the delegates resolved to table the proposal without acting on it, but Johnson's insistence on the debt's negation forced the delegates' compliance. The constitution itself did not survive the controversy; it was defeated by popular referendum in August 1866.

While obeying the president's directives, Holden simultaneously cultivated a political base that might keep him in the governor's mansion beyond his provisional term. One way in which he molded support was through presidential **pardons**. As Johnson's handpicked governor, Holden had significant influence over the executive pardons of leading Confederates and others excluded from a general amnesty granted by the president. The provisional governor backed the petitions from many former secessionists but ignored applications filed by

high-ranking Conservatives. Since many Conservatives were prominent former Unionist-Whigs who converted to secession when forced to choose between supporting the military effort against the other southern states and disunion, such politicians belied Holden's claim to represent all Union men. He understood that former Whigs, like William A. Graham and Vance, could defeat him in a popular election, so he supported their continued disqualification from public office and **disfranchisement** from voting.

The provisional governor's labors produced a loose political coalition that can best be described as "anti-Confederate." Unlike the Conservative Party that had developed into a fairly cohesive organization, the anti-Confederates could fall apart at any moment. At its core, the provisional governor's support derived from the state's consistent Unionists and peace supporters. They also hoped to garner the votes of poorer whites resentful of wartime policies, such as conscription and the tax-in-kind, which leveled a heavy burden on them and their families. Some upper-class white men also joined the anti-Confederates because they felt that resistance to the war's consequences would only intensify northern demands for reunion. All that held the anti-Confederates together was bitterness lingering from the war and a belief that Johnson's lenient Reconstruction policy was the best settlement term they could expect.

The anti-Confederates opposed the Conservatives for the first time in an organized manner as white North Carolinians chose new state officials in December 1865. Attention focused on the gubernatorial election. Many believed Holden's election a foregone conclusion, but the Conservatives—resentful of his wartime dissension—refused to concede defeat. State treasurer **Jonathan Worth** eventually won the Conservative nomination. His public opposition to secession coupled with his dutiful service during the war made him the perfect foil to Holden's outspoken wartime opposition. Each side campaigned vigorously for only a few weeks prior to the election. Pro-Holden forces claimed that only the provisional governor could restore their state to the Union. Anyone else, they warned, would alienate both Johnson and the **Moderate Republicans** who controlled Congress, leading to the establishment of military government. Despite being relatively unknown in the western part of the state, Worth rode an overwhelming majority in the eastern and Piedmont counties to victory. Allies of the provisional governor won control of the state legislature, but their leader's defeat was a setback.

Whites' struggles with defeat coincided with the efforts of 350,000 former North Carolina slaves attempting to establish their place in a postemancipation South. Like their counterparts throughout the South, blacks in North Carolina recognized their centrality to the war immediately. As the armies battled across the southern landscape, many slaves took refuge in Union lines or federal-occupied towns. Once the conflict ended, they sought out lost family members and formalized marriages. Freed slaves also asserted themselves in formal politics for the first time. Local meetings convened across the state, often under the supervision of middle-class black leaders like J. W. Wood, a minister from Connecticut, or James H. Harris, a native North Carolinian. Although scattered geographically, the local gatherings adopted similar resolutions calling for equal rights.

Black North Carolinians followed a moderate course to economic and political opportunity in the war's immediate aftermath. While white delegates gathered in Raleigh to draft a new constitution, more than 100 ex-slaves and middle-class African American men from approximately half the state's counties met across town to address their concerns. Recognizing the scars that defeat left on their white neighbors, the assembled representatives stressed the importance of maintaining a good relationship with whites, but peaceful coexistence did not preclude blacks from concentrating on their own needs as well. Education and the right to testify in court were crucial to black North Carolinians' future.

Even white anti-Confederates like Holden felt that the black convention went too far. When the provisional governor spoke to the black assemblage, he encouraged them to tell their constituents to continue laboring for whites. Concerned that the freedmen were unprepared for the responsibility of citizenship, the provisional governor created a committee to devise a plan for dealing with the former slaves. Some whites believed that the best solution was the total removal of the "problem." Alexander H. Jones, a white Unionist from mountainous Henderson County elected to Congress in 1865, promoted blacks' foreign colonization at the earliest moment possible. Such discomfort with emancipation led some whites, including Jones's constituents in the overwhelmingly white mountain counties, to endorse either colonization or a legal solution to emancipation.

Instead, state legislators responded by passing the **Black Codes**, which both resembled similar laws adopted throughout the former Confederacy and represented a nearly wholesale implementation of the report submitted by Holden's committee in January 1866. The commission advocated placing the former slaves on a level comparable to antebellum free blacks. As enacted, the codes included **vagrancy** laws, apprenticeship standards, and other provisions that limited **civil rights** and directly discriminated against the state's black population. In particular, the legislature wrestled with blacks' legal rights. Four days of debate centered on black citizens' rights in civil courts. Legislators decided ultimately to allow black testimony in legal disputes between blacks, but never in cases involving a white person. Juries would also remain lily-white under the new statutes.

Trapped between hostile white factions, black North Carolinians found an ally in the **Bureau of Refugees, Freedmen, and Abandoned Lands**. Created during the war's final months to oversee the South's transition from a slave to free labor society, the Freedmen's Bureau (as it was popularly known) provided the former slaves with rations, clothing, and legal protection. They supervised the chaotic **labor system** and negotiated **contracts** between whites and blacks, protected the former slaves' wages in contests with white employers, and assisted black schools. After the Black Codes passed, most agents' work consisted of legal matters. Wherever civil courts were interrupted or blacks' rights were denied, the bureau intervened to guarantee justice to the freedmen. In some cases, this entailed acting as legal counsel, but more frequently it involved hearing the black testimony barred by state law.

Black North Carolinians pursued a more radical agenda at a second state convention in October 1866. Organized ostensibly to promote education, this

convention was more aggressive in its call for political and economic rights. No longer willing to wait for whites—a majority of which opposed the extension of basic rights to the freedpeople—to come around, its representatives called for universal male suffrage. Even more galling to conservative whites, the assembly aligned itself with northern **Radical Republicans**. Blacks had lost whatever faith they had in their white neighbors and looked increasingly to the bureau and the federal government for help. Delegates lauded Congress's approval of the **Freedmen's Bureau Bills** and the **Civil Rights Act**, as well as the proposed **Fourteenth Amendment** assuring equal protection under the law to all Americans regardless of color. This more radical tone foreshadowed the future of Reconstruction in North Carolina.

### ***Radical Reconstruction***

Governor Worth accepted emancipation as a consequence of defeat, but despised the social redefinition it engendered. Like many members of the antebellum white ruling class, Worth wanted to restore North Carolina to the Union swiftly to maintain the power of the former property-holding white elite. He fought tirelessly with federal authorities that stood in the way of that goal, especially the Freedmen's Bureau. Agents across North Carolina observed and occasionally overturned civil decisions where the state disallowed black testimony. Worth defended the civil courts vigorously in disputes with the Freedmen's Bureau. When the agent in Buncombe County reversed the conviction of a freedman for assaulting a white man, the judge resigned in protest. The governor was livid. Worth believed that bureau interference threatened to cripple state courts by alienating its "best" judges.

Attempts to restore the antebellum status quo encountered another obstacle when Congress submitted the Fourteenth Amendment to the states for ratification. The amendment's extension of due process to blacks aggravated many white North Carolinians who resented the extension of rights to former slaves concurrently denied white men who held public office at the time of secession. Many of the antebellum ruling class were politically grounded by the amendment. Governor Worth could not stop the amendment's passage, but he and his party refused to sanction it. The legislature adhered to the popular mood and rejected the amendment. For his role, Worth converted his opposition to the amendment into electoral success. He easily defeated Alfred Dockery, a reluctant candidate selected by Holden, to win a second term in 1866.

Rejection of the Fourteenth Amendment by every former Confederate state, save Tennessee, convinced Congress that the South remained unrepentant and unprepared to resume its responsibilities in the Union. In March 1867, Republicans passed the **Military Reconstruction Acts** creating military districts out of the defeated states. North and South Carolina comprised the Second Military District headed first by Major General **Daniel Sickles** and later by Major General **E.R.S. Canby**. Their primary duties were to supervise voter registration—which would include blacks—and the creation of a new state constitution that recognized **black suffrage**.

Black men's inclusion on the voter rolls contributed to another political shift. Amid the debate over the Fourteenth Amendment, the anti-Confederate

coalition collapsed. Many of the upper-class whites previously willing to comply with federal policy deemed the amendment too draconian and bolted into the Conservative Party. After their pitiful showing in the 1866 elections, the remnants of the anti-Confederates assembled in Raleigh to assess their political future. When they emerged from Holden's office, they announced the creation of North Carolina's Republican Party. More importantly, their alignment with the national Republicans meant that they had adopted a new strategy. State Republicans abandoned their earlier opposition to blacks' political participation and actively recruited them into the party. Doing so made the organization viable immediately. Its members could count on the predominantly black eastern counties to vote Republican, and the same was true of the white Unionists in the mountains. The key was the Piedmont with its majority of yeomen farmers and sizable black minority. If the party could foster interracial cooperation there, they might seize power for the first time since the months immediately after the war.

Military government and the rise of an interracial state Republican Party aggravated white Conservatives, who viewed both as violations of the North Carolinians' right of home rule. The military authorities worked with the Freedmen's Bureau and state Republicans to register voters white and black, prepare a new constitution, and schedule new state elections. In particular, it was the constitution of 1868 that defined military Reconstruction. Denounced by Conservatives due to its control by black and white Republicans, the new constitution enacted significant change to the original 1776 state document that had only been amended once, in 1835. Beyond the creation of new offices like the lieutenant governor, the constitution was most noted for its Democratic reforms. It reallocated membership in the legislature based on population instead of wealth and increased the number of elective offices markedly. Both local officials and state judges were to be chosen by the people.

Tensions ran high during the 1868 campaign season. Conservatives decried the constitution as the product of black political domination and Republican rascality, but their efforts to defeat it failed. Not only did the constitution pass, but also the Conservatives' old nemesis Holden won his first regular term as governor. Dismayed with their inability to overcome the Republicans, the Conservatives cast about for a new direction. Around that time, the **Ku Klux Klan**, which began as a social organization in Tennessee, entered the state.

Klan terrorism threatened to undermine the Republican administration. Although a minority of state voters, blacks were crucial to Holden's support base. In the important Piedmont counties where a near even split between white and black voters existed, Klan **violence** jeopardized the Republican voting coalition. As the head of an interracial party, the governor had to protect his black comrades, but the Klan's intent went deeper. Republicans, in general, were the targets. Anyone who stood between the Conservatives' ability to regain political control was the Klan's enemy. The governor was torn between his desire to act decisively and the danger that heavy-handed measures might win the Ku Klux additional recruits. At first he tried to negotiate an end to the violence. He sought out prominent Conservatives of good standing in troubled communities to persuade Klansmen to halt their reign of terror.



Negotiation succeeded in some instances, but failed tragically in Alamance and Caswell Counties. On February 26, 1870, Wyatt Outlaw, a leading black Republican in Alamance County, was ripped from his family in the middle of the night and lynched in the town square. No one was arrested for the crime. Almost three months later, the **scalawag** John W. Stephens suffered an equally gruesome fate. Lured into the basement of the Caswell County courthouse, a group of Klansmen jumped Stephens, stabbed him repeatedly, and left him bleeding to death in a room locked away from any possible help.

Holden confronted the Klan directly following Stephens's death. He placed Alamance and Caswell under martial law and organized a **militia** under the command of George W. Kirk, a Tennessean who commanded Union forces in the mountain counties during the Civil War. The militia suppressed the Klan in both counties, but an overzealous subordinate officer jeopardized the entire campaign by arresting Conservative newspaper editor Josiah Turner, Jr., at his home in Orange County. One of Holden's most vociferous critics, Turner became a symbol of the governor's "tyranny" to the Conservatives. Richmond M. Pearson, chief justice of the state supreme court, heard appeals from Holden's captives and issued a writ of habeas corpus on their behalf, but when the governor refused to comply with the order, Pearson shrugged and said he had exhausted his power. However, a federal writ of habeas corpus from a judge in Salisbury forced Holden's hand. Unable to hold them for military trial, the governor released his prisoners and disbanded his militia, concluding the so-called **Kirk-Holden War**.

Conservatives' animosity toward the governor outlived the militia. Amid Holden's struggles with the Klan, North Carolinians went to the polls on August 4, 1870. The Klan's campaign of intimidation successfully frightened enough black and white Republicans that the Conservatives won a decisive victory and control of the legislature. Soon after the new legislators took office, they filed eight charges of impeachment against Holden accusing him of exceeding his authority by employing the militia and denying those arrested a writ of habeas corpus. In spite of the introduction of Klansmen's confessions and other evidence collected by Kirk's men, the legislators demanded retribution. Their March 22, 1871, guilty verdict ended Holden's political career permanently.

### ***Redemption***

Holden's unceremonious excision from the body politic destroyed neither the Ku Klux nor the Republican Party in North Carolina. Although Kirk's men quelled the disturbance in Alamance and Caswell, the paramilitary organization continued to harass and attack Republicans in Chatham, Harnett, Moore, Johnston, and Wake Counties. Yet, it became most dangerous in Rutherford and Cleveland Counties in the western part of the state. In 1868, Klan elements appeared in the mountains where they focused on white Republicans, blacks, and federal internal revenue agents collecting the national whiskey tax. The organization's activities soared after Holden's political downfall. On April 4, 1871, Klan terrorists attacked a local white man and his daughter in retaliation

for his helping track Klansmen who were later arrested. Then on June 11, roughly 100 Rutherford night riders staged the single largest Klan raid in North Carolina's history. They stormed the county seat with the intent of punishing Republican judge George W. Logan, a wartime peace leader whose class rhetoric rankled the antebellum aristocracy. Although Logan was away from home, the Ku Klux administered a severe beating to Republican state legislator James M. Justice, and sacked the office of the Rutherford *Star* newspaper.

While failing to rebuke Logan, the Rutherford raid captured the attention of the national government. A federal investigation gathered sufficient evidence that the Klan was an extralegal and unlawful political organization, after which Congress empowered President **Ulysses S. Grant** to declare areas in rebellion and use federal troops to restore order. More important, it gave the president the authority to suspend the writ of habeas corpus, the state's denial of which precipitated Holden's impeachment. Federal forces arrested hundreds of suspected Klansmen and indicted more than 1,400 men. Randolph A. Shotwell, a newspaper editor in western North Carolina, received the harshest sentence handed out under federal law—six years in prison and a \$5,000 fine—for his role as Rutherford County's Klan leader.

The impeachment of the state's most recognizable Republican was devastating but not fatal. Lieutenant Governor Todd R. Caldwell, a Unionist turned Republican from Burke County, stood for reelection on his own after serving the remainder of Holden's term. A majority of the Conservatives preferred running former Confederate governor Vance against Caldwell, but the former had his eye on a U.S. Senate seat and declined. Instead, the Conservatives turned to former judge Merrimon. In a surprise, Caldwell won reelection in 1872. Black voters proved decisive again. Out of nearly 200,000 ballots cast, the Republican won by less than 2,000 votes.

In some ways, however, Caldwell's victory masked deeper problems within his party. While the Republicans controlled the governor's chair, the Conservatives were entrenched in the legislature. As a result, the Republicans could only play the part of spoiler in selecting national officers. For example, the Conservative Party had promised Merrimon a U.S. Senate seat if he lost the governor's election. That was the same office that Vance coveted. Desperate to thwart the former Confederate governor, the Republicans in the legislature sided with the Conservatives pledged to support the former judge. Merrimon's election frustrated Vance's ambitions—albeit temporarily—but revealed the limits of the Republican power in the state at the same time.

Since the governor's lack of a veto made him unable to control legislation, the Conservatives ignored Caldwell and focused their efforts on revising the 1868 constitution. After abortive efforts to convene constitutional conventions in 1873 and 1874, the Conservatives summoned delegates to Raleigh to revise the constitution in 1875. Composed of an equal number of Conservatives and Republicans, the convention proposed amendments banning secret societies (including both the Ku Klux Klan and the Republican **Union League**), limiting legislators' expenses, and other suggested changes. Revisions also restricted African Americans' freedom. Representatives drafted amendments segregating public schools, banning interracial marriages, and reversing

some of the Democratic reforms achieved in 1868. The convention also rescinded some Democratic reforms, by taking away direct election of local officials. They returned that power to the state legislature, largely so whites living in the black-majority counties of eastern North Carolina could control those offices.

Reconstruction finished with a bang in North Carolina as two of the state's most powerful politicians squared off in the 1876 gubernatorial election. After deferring the nomination in 1872, Vance accepted the Democratic nomination—the Conservatives formally united with the national Democratic Party in 1876—four years later. Opposing him was Settle, who had served on the state legislature and Supreme Court since the 1865 convention. The candidates crisscrossed the state, engaging in dozens of high-profile debates. Vance accosted Settle's party for fraud and **scandal**, but, most devastatingly, he condemned the Republicans for betraying their race by aligning with northern Radicals to impose black "domination" on white Carolinians. Settle countered by making Vance's Confederate past a point of contention. He accused the war governor of enacting policies that discriminated against poor whites during the Civil War. Considering the emotional nature of the issues, the contest was remarkably peaceful. When the votes were tallied, however, the Conservatives had crushed the Republicans, winning the governorship, a majority in the legislature, and seven out of eight congressional seats.

This clash of political titans ended Reconstruction in North Carolina. The Democrats regained the governorship, the last piece of the state government they needed to regain complete control of the state's power apparatus. For most of the next century, the Democrats controlled the state government, but Reconstruction revolutionized the disposition of power in the state. As a result of the Civil War and Reconstruction, lower-class whites and blacks possessed greater access to power than ever in the state. Black voters played a critical role in elections and party politics, while also asserting greater personal control over their lives and their families than ever before. The Republican Party also remained a fixture from that point on, although with varying degrees of influence. Prior to the Civil War, power rested firmly in the hands of a propertied white elite. Vance's election seemingly marked a resurgence of that class, but circumstances had changed. Power was more accessible for all levels of society than ever before. For that reason, Reconstruction was a pivotal period in North Carolina's history. *See also* Amnesty Proclamations; Bourbons; Enforcement Acts; Jim Crow Laws; National Union Party; New South; Presidential Reconstruction; Reconstruction Acts; Redemption; U.S. Army and Reconstruction.

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*Steven E. Nash*



# O

## **Orr, James L. (1822–1873)**

James Lawrence Orr was born in Pendleton District, **South Carolina**, near the upcountry town of Anderson. He matriculated at the University of **Virginia** in 1839, but left before taking a degree. He read law in South Carolina and was admitted to the bar in 1843; the same year he married Mary Jane Marshall and settled in Anderson. The couple had seven children, and Orr took up planting, practicing law, and soon politics. He also edited the *Anderson Gazette* for two years.

Orr served in the South Carolina House of Representatives from 1844 to 1848 and the U.S. House of Representatives from 1849 to 1859, including a stint as Speaker of the House from 1857 to 1859. He consistently advocated industrialization and economic diversification for South Carolina, and pushed for more political clout for the upcountry portion of the state. During the period of sectional tension immediately following the Mexican War, he was active in the secession movement, especially as a member of the Southern Rights Convention in 1851. By 1852, however, Orr was convinced that southern rights were safe, and he became an advocate of the southern states remaining in the Union.

By July 1860, however, Orr cautiously advocated secession in the event of a Republican electoral victory. However he still advised against South Carolina seceding alone, without the cooperation of other slave states. Following the election of **Abraham Lincoln**, he attended the South Carolina Secession Convention in December 1860 and supported secession.

In 1861, Orr organized a Confederate regiment known as Orr's Rifles, and served as its commander. He became a member of the Confederate Provisional Congress later that year, and served in the Confederate Senate from 1862 to 1865.

After the Confederacy's surrender, Orr quickly seized the opportunity to play a role in South Carolina politics. Following the death of Lincoln, Orr acted as one of the "Special Commissioners" sent to confer with President **Andrew Johnson** on the establishment of a provisional state government. When Johnson set forth his restoration program in May 1865, calling for former Confederate states to hold **constitutional conventions**, Orr became a delegate to South Carolina's September convention. That October, he ran for governor under the Johnson constitution, and narrowly defeated Confederate cavalry hero **Wade Hampton**—even though the latter actively campaigned against his own election. Initially, many thought that Hampton had won, which so mortified Orr that he hesitated to accept the governorship. The sitting **provisional governor, Benjamin Perry**, convinced Orr of his duty to do so, and he was inaugurated on November 29.

As governor, Orr demonstrated more of the moderation he had shown in the antebellum period. Although he at first supported, and ultimately signed into law, the legislature's **Black Codes**, he later urged lawmakers to modify them and successfully urged General **Daniel Sickles** to suspend their enforcement. He also advocated qualified **suffrage** for black men, fearing (fairly prophetically) that the state's failure to act would result in the federal government imposing universal male suffrage. Continued concern about northern anger against the Black Codes induced Orr to advocate their repeal in September 1866, and the South Carolina Assembly repealed most of them.

Despite his efforts at moderation, Orr's policy was not progressive enough for the Republican-controlled Congress. In December 1865, Congress refused to seat South Carolina's newly elected members, and later insisted that former Confederate states ratify the **Fourteenth Amendment** before being readmitted to the Union. Orr agreed with President Johnson, that this demand was unconstitutional and degrading to the South, and so advocated rejection of the amendment. In March 1867, Congress passed the first two **Military Reconstruction Acts**, requiring the former Confederate states to hold new constitutional conventions under universal male suffrage and to ratify the Fourteenth Amendment. Orr became, in effect, a provisional governor, supervised by the **U.S. Army**, until a new state constitution went into operation. Then, Congress needed to vote to readmit South Carolina to the Union. Ironically, at that point, as a former prominent member of the Confederate government, Orr could be **disfranchised**.

Under **Congressional Reconstruction**, the Republican Party gained control of the state. After the April 1868 elections, Orr gave up the governor's seat to a former Union general, **carpetbagger Robert K. Scott**, formerly of Ohio. Orr then joined the state's Republican Party, believing that native whites must do so to retain their leadership of South Carolina. The Republican legislature gave him the judgeship of the 8th South Carolina judicial circuit, which he held from 1868 to 1870. Many native white Democrats, however, now considered him a **scalawag**—a traitor. By 1872, Orr had grown disgusted with the **scandals** afflicting the Republican regime in the state. As a delegate to the 1872 Republican state convention, Orr dramatically walked out when the party nominated the notoriously corrupt **Franklin J. Moses** for governor.

In December of that year, President **Ulysses S. Grant** appointed Orr as minister to Russia. Weakened by a persistent cold and the Russian winter, he died in St. Petersburg on May 6, 1873, at the age of fifty. He was buried in Anderson. *See also* Amnesty Proclamations; Civil Rights Act of 1866; Pike, James Shepard; Presidential Reconstruction.

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*John (Rod) Andrew, Jr.*





# P

## **Packard, Stephen B. (1842–1922)**

Packard, an influential Republican **carpetbagger** in Reconstruction **Louisiana**, was born in North Auburn (modern Minot), Maine. Packard served as a captain in the 12th Maine Volunteer Infantry Regiment in the Civil War. After the fighting, he set up a law practice in New Orleans, and by 1868 became a fixture in the state's Republican Party. Despite (or perhaps because of) **Democratic Party** criticisms, his prominence increased, and in 1871, President **Ulysses S. Grant** appointed him U.S. marshal in Louisiana. As federal marshal, Packard picked his deputies and assigned them throughout the state.

During the 1870s, Packard led the so-called "Custom House Ring" within the state Republican Party and wielded considerable influence without holding elective office. Basing his faction in the federal Custom House in New Orleans, then the capital city, the marshal opposed Republican governor **Henry Clay Warmoth**, who had been elected under the **Congressional Reconstruction** program in 1868. In fact, Packard pushed for Warmoth's impeachment. When the state legislature voted to impeach and then removed Warmoth in 1872, an **African American**, Lieutenant Governor **P.B.S. Pinchback**, served out the last few days of Warmoth's term. In the 1872 gubernatorial campaign, Packard acted as campaign manager for Republican candidate **William Pitt Kellogg**.

When Kellogg was elected governor, Marshal Packard served as the chairman of the Republican Party's state central committee. Four years later, in 1876, he gained the Republican nomination for governor. His opponent, former Confederate general **Francis T. Nicholls**, campaigned on a platform of "**redemption**," or "returning the state to white, Democratic, home rule." Both parties used fraud, intimidation, and **violence** in one of the worst elections in Louisiana and American history.

With no holds barred, both parties claimed that their candidate had won the governorship. Widespread underhanded methods produced doubts about election results in several parishes, leading both parties to submit their own sets of voting returns to the state's official Returning Board, dominated by Republicans. Naturally, that board favored Packard, so the Democrats created their own board that endorsed Nicholls. This impasse produced a bizarre result: Packard and Nicholls were both inaugurated in separate ceremonies, leaving the choice of who would be governor up to the next president of the United States—Democrat **Samuel J. Tilden** or Republican **Rutherford B. Hayes**—but the presidency was also in doubt due to the close national **election of 1876**. Congress created an extraordinary federal **Electoral Commission** to determine the outcome of the disputed national election. In the meantime, in February 1877, an unidentified assassin unsuccessfully tried to murder Packard. As a part of the complex bargaining that produced the so-called **Compromise of 1877**, Hayes and his supporters recognized Nicholls as Louisiana's governor. Packard had little choice but to capitulate. As a consolation, Hayes appointed Packard to serve as U.S. consul in Liverpool, England. *See also* Constitutional Conventions; Military Reconstruction Acts; Scandals.

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*Joseph G. Dawson III*

### **Panic of 1873**

The Panic of 1873 refers to a disastrous turn in America's previously booming economy. In that calamitous year, numerous bankers and speculators, realizing that they had overextended themselves by financially supporting the building of the nation's **railroad** system, went bankrupt. The downfall of the prestigious Jay Cooke and Company was the most surprising and disheartening of these bankruptcies, one that triggered an avalanche of institutional collapses and heralded a brief, ruinous recession.

#### ***Economic Conditions Prior to the Panic***

When the Civil War ended in 1865, the North, as a result of its investments in industrialization and railroad construction, was able to maintain its position as a major economic powerhouse, but due to the destruction of the war, the economy of the South, which had never been as strong or flexible as that of the North, lagged even further behind. In the 1830s, the South had built a network of railway systems but had rejected the large-scale industrial revolution that had taken hold in the North in favor of its own slave-based agricultural system (see **Agriculture**). The debacle of the war devastated the South's railways along with the rest of its economy. Ambitious white southerners joined the trend of industrialization, invested in agricultural advancements, and repaired and established new railway systems.

Railroad construction was a top money-making venture and a major source of employment during this period. Between 1866 and 1873, 35,000 miles of track were laid across the country. In 1869, the first transcontinental railroad was completed. Bankers, wealthy speculators, and magnates from other industries profited greatly by financing railroad expansion. Jay Cooke was one of the most prominent and prosperous of these financiers. His notoriety was established when, soon after he opened his banking house, Jay Cooke and Company, in Philadelphia, Pennsylvania, he sold more than \$500 million worth of bonds for the U.S. government. His sales helped to supply and pay the Union soldiers during the climactic stages of the war. He also organized national banks in Washington, D.C., and Philadelphia. After the war, Cooke, like many opportunists, invested heavily in railroad construction. In 1870, he launched what he anticipated to be a great success—the construction of the nation's second transcontinental railroad, the Northern Pacific. Instead, the venture proved to be his biggest failure. On September 18, 1873, Jay Cooke and Company declared bankruptcy, realizing it had overextended itself. A national panic ensued.

### *The Causes of the Panic*

Many factors contributed to the Panic of 1873. Among them were the preexisting depression in Europe, the mishandling of money during **Ulysses S. Grant's** presidency, and the upsurge of business that coincided with the depreciation of paper money. However, the foremost cause was the feverish climate of impetuous and overindulgent investment in the nation's railroad system. Businesses and individuals were spending too much, too fast, on railroad ventures that were already costly and risky. Exacerbating the situation was the fact that the government did not regulate or curb this febrile race to spend and build. Ironically, Mark Twain and Charles Dudley Warner published *The Gilded Age: A Tale of Today*, a "biting satire and revealing portrait of post-Civil War America," in the same year as the panic.

### *The Impact of the Panic*

The first firm to close its doors was the Brooklyn Trust Company, which declared bankruptcy in July 1873, but the Jay Cooke and Company bankruptcy was the most upsetting to the nation. Alarmed by the demise of one of the most powerful companies in America, numerous banking firms and industries shut down. Closures included the Mercantile Warehouse and Security Company on September 8, and Kenyon, Cox and Company on September 13. Even the New York Stock Exchange closed for ten days.

Few individuals and businesses across the nation were unaffected by the ensuing depression. Numerous companies failed, leaving thousands of workers jobless. In two years, 18,000 businesses went under, and by 1876, unemployment had reached 14 percent. Of the 364 railroads in the country, 89 declared bankruptcy. Businesses that managed to survive also suffered; wages were cut and conditions deteriorated, causing a rift between labor and the leaders of banking, manufacturing, and the railroad. This in turn led to strikes across America. Surprisingly, the Northern Pacific did not crash. Rescued by



Two illustrations from *Frank Leslie's Newspaper* of the great financial panic of 1873; a run on the 4th National Bank and Grant refusing to use the U.S. Treasury. (Courtesy of the Library of Congress.)

the business savvy of George Cass, the president of the railroad, and loans from Director John Commiger Ainsworth of Portland, Oregon, it narrowly escaped bankruptcy (for the time being) and completed the line to Tacoma, Washington, in the very year of the panic.

The South had barely emerged from the devastation of the war when the panic and subsequent depression hit. The price of cotton fell a startling 50 percent, thereby ruining many farms and exhausting the region's wealth. This was also a horrific period for the newly emancipated blacks—whose poverty was already at its nadir—as the North's preoccupation with its own economic woes led it to ignore the plight of the blacks. When one examines the various forces moving the Republican Party and the North away from promoting and protecting southern **African Americans**, the economic concerns that grew out of the panic are among the most obvious.

### *Rebounding from the Panic*

Early attempts by the New York Clearing House (NYCH) and President Grant to keep money flowing through the nation's banks and to assuage the crisis failed to resuscitate the economy. The depression finally lifted during the presidency of **Rutherford B. Hayes**. In 1877, the newly elected president set out to clean up the residual corruption in government and to resolve the depression. He sent federal troops to put a stop to the major railroad strikes, and he inflated the currency to relieve America's monetary crisis. This solution, along with a wave of territorial expansion and technological, agricultural, and industrial advancements (which had never really stopped during the depression), created a resurgence in the economy that spanned President

Hayes's election and lasted into the twentieth century. Mark Twain and Charles Dudley Warner referred to this period as the Gilded Age, and it was also known as the Progressive era—two different terms with the same implication: While the national economy stabilized, there were intensifying and troubling problems just below the surface. America regained and even surpassed its former wealth, but the social, economic, and political power of several groups—in particular, black Americans and the emergent immigrant populations—continued to deteriorate. *See also* Democratic Party; Labor Systems; McCulloch, Hugh; New Departure; Sherman, John.

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*Gladys L. Knight*

## Pardons

During the Civil War and Reconstruction, **Abraham Lincoln**, **Andrew Johnson**, and Congress issued several **amnesty proclamations** to those who had been part of the Confederacy. An amnesty is a blanket forgiveness that removes any restrictions on a person's abilities or qualifications. Pardons are a related feature, but are directed more toward a specific individual than an entire group. Like an amnesty, a pardon forgives some past indiscretion, and allows the recipient to reclaim the rights and privileges of citizenship. With the shift in political power after the war, and the possibility of land confiscation for former rebels, the importance of an individual pardon for taking part in the rebellion cannot be underestimated. Also like amnesty, the issue of pardons—who held the ultimate authority in dispensing them, who should receive them, and what criteria should be used in that judgment—became a hotly debated topic between the president and Congress.

Presidents Lincoln and Johnson held many similar views, including the belief that the Union and its states were indestructible. Thus, the war was between people, and people were disloyal, not the political entities or the states. Also, both believed that the **U.S. Constitution** conferred pardoning power on the president, so it was he who held ultimate authority in issuing pardons. As the war drew to a close, Lincoln sought a way to cajole Confederates, speed an end to the war, and create a way to return as many states to the Union as possible.

On December 8, 1863, Lincoln issued his Proclamation of Amnesty and Reconstruction. The proclamation provided a full pardon to all those who had participated in the rebellion except Confederate civil or diplomatic agents, those who left the judiciary to aid the Confederacy, all Confederate officers above the rank of colonel in the army or lieutenant in the navy, all who left congressional seats to join the Confederacy, all who resigned federal army or

navy commissions, and all who had mistreated **black troops** or their officers. It allowed seceded states to reestablish governments after 10 percent of the voters had taken a **loyalty oath**. In March 26, 1864, the proclamation exempted all prisoners who took the oath and authorized civil and military officers to take the oath. The **Radical Republicans** opposed Lincoln's amnesty proclamation and introduced the **Wade-Davis bill** in 1864, which required 50 percent of the voters to take an ironclad oath before a state could be readmitted, and abolished slavery. Lincoln vetoed this measure.

The struggle between the executive office and the legislative branch continued after Lincoln's **assassination** and Andrew Johnson was sworn into office. On May 29, 1865, Johnson issued his own Proclamation of Amnesty and Reconstruction. Since his proclamation was not issued in wartime, he focused on restoring states to the Union as quickly as possible. His proclamation was similar to Lincoln's, providing full pardon to those who took the loyalty oath, but did not provide a percentage necessary to reestablish statehood. His proclamation included all the exemptions provided in Lincoln's proclamation and added exemptions for all Confederate governors, those who aided the Confederacy abroad, all who destroyed U.S. commerce at sea and from Canada, those who violated the amnesty oath provided for in the December 8, 1863 proclamation, and all those who owned more than \$20,000 worth of property. Johnson issued further proclamations in 1865 and 1868 that eventually abolished all the exemptions and in 1868, the ironclad oath test was ruled unconstitutional by the **Supreme Court**.

The specific issue of pardons generated a great deal of controversy. All those who found themselves in the "Exceptions" under Johnson's plan could apply for a pardon from the president directly. This led to pandemonium in the pardon office and State Department, and thousands of applications flowed in—assisted via a blossoming "pardon broker" industry that shepherded the paperwork through the Byzantine governmental bureaucracy. Johnson granted pardons so freely that critics charged the exception clauses had no weight whatsoever; critics claimed they were merely designed to feed Johnson's ego by forcing former high-ranking officials to grovel at the president's feet, entirely dependent on his goodwill for a restoration of civil, political, and property rights.

Congressional Republicans eventually wrestled control of the Reconstruction process away from Johnson. The Radical Republicans and some **Moderate Republicans** could not condone an agenda that favored the former rebels and provided nothing to the newly freed **African Americans**. With the passage of the **Military Reconstruction Acts** and then the **Fourteenth Amendment**, the impact of Johnson's pardons became murky. Although the states were placed under military and congressional supervision, Johnson believed this did not nullify the effect of an executive pardon, and he continued to issue pardons at an incredible rate. When the bulk became too massive, he resorted to more sweeping gestures, such as his amnesty proclamations in 1868. Congressional Republicans used the **U.S. Army** in the South and the Fourteenth Amendment to counter some of the president's liberal pardoning tendency, but once states were readmitted to the Union, Congress had little ability to bar former

Confederates from their rights. Southern Republicans, who could agree in theory with the idea of punishing traitors and eliminating political opposition, found the reality much different. In fact, many black and white Republicans in the South came to realize the need to reconcile with former rebels and developed alliances that would outlast capricious, fleeting support from Washington or the northern Republicans.

Complex and unprecedented, the topic of postwar pardons touches on the nature of the citizen, the relationship between Congress and the president, the definition of treason and criminal, and even the nature of the Union itself. It was one more feature of the Reconstruction period that made the era one of the most contentious and interesting in American history. *See also* Black Suffrage; Cabinets, Executive; Civil Rights; Congressional Reconstruction; Constitutional Conventions; Democratic Party; Disfranchisement; Joint Committee on Reconstruction; Presidential Reconstruction; Republicans, Liberal; Stalwarts; Suffrage; *Texas v. White*.

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*Catherine Anyaso*

### **Parsons, Lewis E. (1817–1895)**

A conservative Democrat, Lewis Eliphalet Parsons became **Alabama's** nineteenth governor when he was appointed by **Andrew Johnson** in 1865 to oversee the reestablishment of a loyal government of the state after the Civil War. Previous to this appointment, Parsons served in the presidential Electoral College in 1856 and 1860 and was a member of the Alabama House of Representatives in 1859 and 1865.

Parsons was born in Boone County, New York, on April 28, 1817. He attended public schools, but began to study law at an early age. He studied law at the Frederick Tallmadge office in New York and the G. W. Woodward offices in Pennsylvania. When Parsons transplanted to Talladega, Alabama, in 1840, he practiced law with Alexander White (who was twice voted a Republican congressman in the 1870s).

In April 1865, after the Confederate government collapsed and Confederate generals surrendered, Alabama's civil government was placed under the interim military rule of **U.S. Army** general George H. Thomas. In June 1865, President Johnson called upon Parsons to provisionally reinstate the Alabama government. Parson's first gesture was to urge the people of Alabama to rejoin the Union. Describing the Union as a "life-boat" and mourning the material and personal losses of Alabama's people, he explained that the state itself was in dire need of the justice, domestic tranquility, and protection that the Union could provide. Parsons reinstated officers of the state who were willing to take and subscribe a **loyalty oath** to the **U.S. Constitution** and the Union, oversaw the appointment of minor state officials, scheduled and administered



county elections, announced that those who did not uphold the new laws of the state would be subject to arrest and punishment, and—with the exception of slavery—reinstated all prewar civil and criminal state laws.

Parsons then convened former electors of the state (using the prewar measure, so only whites could participate) to propose amendments to a revised state constitution. In September 1865, this **constitutional convention** continued Parsons's efforts at Reconstruction; delegates ratified the **Thirteenth Amendment** (which recognized the **abolition of slavery** nationally) and at the same time passed a **Black Code** that, while less restrictive than the racial legislations of other states, was still quite onerous. This convention also elected George S. Houston and Parsons to serve in the U.S. Senate. Neither man, however, was able to assume his seat due to the refusal of congressional Republicans to concede representation to states that did not grant full rights to freedmen. Finally, Parsons supervised the final act of the transition: Parsons's term as governor ended on December 13, 1865, with the inauguration of **Robert M. Patton** as the twentieth governor of Alabama.

Parsons was appointed U.S. district attorney for northern Alabama in 1890 by Benjamin Harrison. In 1893, President Grover Cleveland attempted to remove Parsons from this office, but Parsons declared that Cleveland had no authority to do so and served what remained of his entire four-year term. Lewis Eliphalet Parsons died on June 8, 1895, and is buried in the Oak Hill Cemetery, Talladega, Alabama. *See also* Amnesty Proclamations; Black Suffrage; Civil Rights; Congressional Reconstruction; Democratic Party; Lindsay, Robert B.; Presidential Reconstruction; Rapier, James Thomas; Readmission; Republicans, Radical.

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*Michelle LaFrance*

## Patronage

Long before Senator William Marcy of New York declared the political rule, “to the victor belong the spoils,” handing out offices, **contracts**, and favors to one's political friends was an entrenched American tradition. Patronage, as it is called, derives its name from the Latin root word for “father” and correlates nicely to the social convention of “patron.” In the age of Andrew Jackson, such party appointments were described by the euphemism, “rotation in office.”

By 1865, however, the expansion of the American government—largely due to the Civil War—led to a dramatic increase in the number of offices that the “spoils system” filled: collectors of internal revenue, customs officials, postmasters, provost marshals, district attorneys, diplomats, and department clerks. Congressmen claimed the right to dictate appointments for their district, while senators handed out the larger plums. Patronage also extended beyond position appointments to include favors, such as public printing and

government advertising contracts (which were often assigned at generous rates to friendly newspapers) mail contracts across the territories, and special opportunities to market U.S. bonds. Every employee was subject to “assessments,” taking a percentage of salary for party purposes; jobholders were wise to take leave around election time to go home and vote. Those with nothing but their ability to recommend them were dismissed, and all civil servants knew that a change in administrations—even from one Republican to another—might well bring “rotation in office.”

State governments were just as bad, and perhaps even worse, than the national government. The spoils system in boss **William Tweed**’s New York City operation earned officeholders the nickname “Paint-Eaters” for their ravenous exploitation of every possibility for personal gain that the offices provided.

Scandalous as it might appear (and often was), without patronage, no administration could survive. Jobholders helped pack conventions—New York’s Republican gathering in 1870 was one such example; subsidized newspapers distorted and smothered the truth—the Washington newspapers having long flashes of silence about the corruption of Alexander Shepherd’s District Ring; while other magazines lied and smeared with an almost lyric delight.

In the Reconstruction South, southern Republicans in the press, poor as most of them were, were often blacklisted from employment by their prominence in leadership positions, and shut out of commercial advertising by local conservative firms. Only through state government patronage could their newspaper presses survive, if just barely, leaving them desperately dependent either on state spoils, or on federal power. As the Reconstruction governments collapsed, this condition assured that whoever controlled the jobs in Washington would command the party down South.

Under nearly every American president, the spoils system brought **scandal**. **Andrew Johnson** was denounced for the “whiskey ring” in which treasury officials and distillers colluded to evade taxes, and was accused of using New York custom house officers and the money they raised to buy an acquittal in his **impeachment** trial. Democrats accused **Ulysses S. Grant** of giving offices to admirers who gave him bull-pups for gifts and the treasury to one of his most generous campaign donors, Alexander T. Stewart (Stewart was not confirmed). Spoilsmen drove out **Jacob Cox**, a reform-mined secretary of the interior, and forced the president to request Attorney General Ebenezer Rockwood Hoar’s resignation. The “whiskey ring” only got worse; the New York custom-house shook down merchants for minor infractions on the revenue laws, and Secretary of the Interior Columbus Delano allowed his son to supply Native Americans in rotten commodities. After **Redemption**, the change from Reconstruction to Conservative governments in the South only changed the labels on the bottles; they contained the same rancid wine of partisanship.

Yet, Grant’s administration also saw the first attempts to create a merit system for appointments. Encouraged by liberal reformers like editor George William Curtis, hectored by critics like Senator **Carl Schurz** of Missouri, the president himself encouraged the creation of a Civil Service Commission and put Curtis in charge. Congress obliged, perhaps only because it was an

election year, but the administration never made more than a halfhearted effort to enforce the commission's recommendations, and by 1874, Congress was eager to starve reform to death. Grant abandoned the attempt, but as the scandals broke, the clamor for civil service reform reappeared. By the **election of 1876**, both presidential candidates were committed to change, and the eventual winner, **Rutherford B. Hayes**, actually delivered a substantial measure of it. *See also* Bourbons; Cabinets, Executive; Carpetbaggers; Republicans, Liberal; Scalawags; Tilden, Samuel J.

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*Mark W. Summers*

### **Patton, Robert M. (1809–1885)**

Robert M. Patton was elected as **Alabama's** governor under **Andrew Johnson's** program of **Presidential Reconstruction**, serving from December 1865 until superceded by the new Republican governments created through **Congressional Reconstruction**. He had the reputation as a pragmatic sectional moderate.

Patton was born in **Virginia** in 1809, but he spent the bulk of his life outside Florence in Lauderdale County. He was a wealthy merchant and a planter, at one time holding some 300 slaves. Patton served in the legislature as a Whig, and he long opposed secession, backing Steven Douglas for president in 1860. Upon Alabama's secession, he then backed the southern cause, losing two sons in the Confederate army.

After the Civil War ended, ex-secessionists were inhibited from assuming leadership, and Patton was elected governor over two rivals with similar antisecession backgrounds. Patton shared the regional consensus on racial matters, assuring Alabamians that "politically and socially, ours is a white man's government." Patton implemented President Johnson's Reconstruction plan, which in practice mostly left former Confederates controlling state and local government. Still, Patton conciliated northern opinion, vetoing several harsh **Black Code** provisions. Governor Patton sought cooperation with army officials, and he worked closely with the district head of the **Bureau of Refugees, Freedmen, and Abandoned Lands**, Wager Swayne, to secure federal food relief for the destitute in devastated northern Alabama. Patton presented an enlightened public image, with an emphasis on economic development. He embraced textile mills and **railroads**, rather than emphasizing sectional controversy and racial extremism.

Governor Patton's major public initiatives were restoring the state's credit and pursuing railroad development. With Patton's support, the legislature passed a general transportation aid policy, endorsing \$12,000 in bonds for

each mile of railroad built in the state. These priorities redoubled his conciliatory tendencies, and as the conflict between President Johnson and the **Radical Republican** Congress intensified, he tried to placate outside criticism. After the Republicans swept the northern congressional **elections of 1866**, he endorsed Alabama's ratification of the pending **Fourteenth Amendment**. He hoped thereby to stave off congressional intervention—and the superseding of his own government—but the legislature and white public would not endorse so drastic a step. As with nine other former Confederate states, Alabama refused to ratify the amendment, and thus in 1867 faced an entirely new program of restoration.

Subsequent federal imposition of **black suffrage** confirmed his judgment, persuading him that further intransigence was ruinous to the state's economic prospects. Patton now endorsed Reconstruction under the terms prescribed by Congress, and he identified himself for months with the Republican Party. His initial hope was that black votes would help bar ex-secessionist Democrats from power. This position subjected him to criticism, and the newly drafted constitution and its **civil rights** provisions appalled him, as did the Republican nominees for office. He therefore opposed ratification in the February 1868 elections, helping apparently defeat them, but Congress disallowed a conservative boycott and declared Alabama's constitution enacted. Patton's nominal authority as governor ceased in July, as he handed the position to his Republican successor, **William Hugh Smith**.

So fluid a political career defies easy categorization. Even after his governorship ended, Patton's flexible public course continued, and after President **Ulysses S. Grant's** election in 1868, he again found his way into the Republican Party. He also figured prominently in various railroad projects. Patton died in 1885 at his home, Sweetwater. *See also* Constitutional Conventions; Elections of 1868; Military Reconstruction Acts (1867–1868).

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*Michael W. Fitzgerald*

### **Pendleton, George Hunt (1825–1889)**

A **Democratic Party** politician of the Reconstruction era, Pendleton was a reformer without a zest for the task at hand; as with many of his contemporaries, Pendleton was rather indifferent because of his racist predilections. He held many political offices, but his reputation turned on the creation of the modern civil service system.

Born in Cincinnati to Greene Pendleton, a lawyer and Whig congressman and Jane Frances Hunt, his **education** consisted of Cincinnati College, private tutors, and a two-year trip to Europe and the Middle East. In 1846, he married Mary Alicia Lloyd Key, the daughter of Francis Scott Key, with whom he had three children. Gracious and handsome, he seemed destined for political office and public honors.

After serving as a Democrat in the Ohio state senate, he was a candidate for the U.S. House of Representatives in 1854, but lost. Two years later, he won and served until 1865. A staunch defender of Stephen A. Douglas's popular sovereignty idea, Pendleton worked in the prewar years for compromise between the North and the South. In the end, he accepted secession by the rebel states. His policy came with a particularly high political cost, and until late in his career, he was characterized as a Peace Democrat, or—more pejoratively—Copperhead.

As a member of the Judiciary and the Ways and Means committees, he hampered the war effort, arguing on behalf of a strict interpretation of the U.S. **Constitution** and denying the federal government's authority over slavery. For his efforts, he was offered the vice presidential candidacy on the Democratic ticket in the **election of 1864**. Union military victories doomed the Democratic campaign. Republican president **Abraham Lincoln**, under the **National Union Party** banner, was reelected, and by 1866, Pendleton had even lost his congressional seat.

With vague presidential desires, Pendleton looked for an opportunity, and found it amid the controversies related to national fiscal issues, in particular the greenback debate. Despite an earlier fear of inflation, Pendleton endorsed increasing the nation's currency based on government bonds. Defeated in Ohio, Pendleton gained the Ohio governorship as his Ohio Plan gained momentum. His intentions seemed greater, and Pendleton's name surfaced in the **Democratic National Conventions** in 1868, 1872, and 1876. The party never selected him as a nominee, however. Despite a suspicious incident with William Worth Belknap concerning **railroad** stock and outrageous legal fees, Pendleton became a U.S. senator from Ohio, sitting from 1879 to 1885. After researching the subject, Pendleton switched to a fellow legislator's proposal, and adopted civil service reform as his latest interest. Despite his late role, the bill emerged as the Pendleton Civil Service Reform Act of 1883. It depoliticized the civil service by placing strong limits on patronage and opened many offices to merit-based criteria founded in standard examinations. This act set significant precedents for the Progressive Era reforms of the twentieth century. Nonetheless, the party faithful and regulars were not happy. In January 1884, he lost his senate seat.

Despite the tragedy of his wife's suicide and his own stroke in 1888, Pendleton remained an active public servant. Just before his death, he was serving on a commission investigating the Samoan crisis. He died in Brussels, Belgium. *See also* Cabinets, Executive; Elections of 1876; Greeley, Horace; New Departure; Republicans, Liberal; Scandals; Stalwarts.

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*Donald K. Pickens*

### **Perry, Benjamin F. (1805–1886)**

Benjamin Franklin Perry was born November 20, 1805, in the Pendleton District of upcountry **South Carolina**. He attended public schools and later a preparatory school in Asheville, **North Carolina**, before studying law. He returned to South Carolina, and was admitted to the bar in 1827. Perry became editor of the *Greenville Mountaineer* in 1832, and married Elizabeth Frances McCall in 1837. The couple had nine children.

Perry never easily fit into a clear political category, as he believed deeply in his state, state's rights, and the federal Union. He attended the South Carolina Nullification Convention in 1832, but while he opposed the federal tariff, he also warned against South Carolina seceding without the cooperation of other southern states. He was elected to the South Carolina House of Representatives in 1836 and served until 1842. He won election to the state senate in 1844, serving until 1848. He was a presidential elector in 1848 and returned to the state House of Representatives in 1849, serving until 1860. Throughout his legislative service and editorial career, he advocated democratic reforms such as the popular election of presidential electors, and measures to remedy the upcountry's underrepresentation in the state's General Assembly.

As the sectional crisis came to a head, Perry remained an opponent of secession. When he expressed Unionist views at the Democratic National Convention in Charleston in 1860, his fellow Carolinians severely criticized him. As with many southern Unionists, once South Carolina seceded, he decided to support the Confederate cause. He held several offices in the Confederate government, including Confederate states district attorney in 1863 and Confederate states district judge in 1864.

Following the war, Perry, like many former Confederate officials, were unsure of their fate. His luck took a positive turn when President **Andrew Johnson** initiated his Reconstruction program in May 1865. The president's first move was appointing **provisional governors** for the former Confederate states, men like Johnson who were Unionists and opponents of the planter elite. Not surprisingly, Johnson appointed Perry provisional governor of South Carolina in June 1865. Perry tried to restore civil order by reappointing all state officials who had held office at the close of the war. When the South Carolina **Constitutional Convention** of 1865 met in September, he was able to achieve several reforms, many designed to benefit the underrepresented upcountry portion of the state. These included abolishing the inequitable "parish" system of representation, and establishing the popular election of governors, presidential electors, and state judges. He also secured the state's ratification of the **Thirteenth Amendment** to the federal Constitution.

Republicans in Washington approved of these reforms, but were aghast when Perry recommended that a committee draw up **Black Codes** to define the ambiguous position of **African Americans** in the state. Congressional Republicans and much of the North in general saw these measures as inhumane regressions back to slavery, but Perry believed such laws necessary to fully articulate the extent of blacks' rights, as well as to restore order and

efficiency to the state's devastated economy. This was a practical move from Perry's standpoint, but it ignored contemporary northern political sentiment and the progressive ideas of racial equality.

Only a provisional appointee, Perry declined to run for governor after the passage of the 1865 constitution and left office in November. He did not vacate the political scene entirely. As a nationally recognized southern Unionist, he played a prominent role in the **National Union Movement** and Convention in 1866, and was elected to the U.S. Senate that year. Unfortunately, because of the status of South Carolina and his own Confederate record, the Republican-controlled Congress denied him his seat. When Congress took full control of Reconstruction in 1867, Perry used his prominence and connections to criticize policy; always a moderate, Perry was an outspoken critic of "Radical" Reconstruction. He served as a delegate to the **Democratic National Convention** in 1868 and 1876. He ran unsuccessfully for Congress in 1872. In 1876, at the age of 71, Perry campaigned vigorously for Democratic candidate **Wade Hampton**. He died December 3, 1886, in Greenville, South Carolina. *See also* Civil Rights Act of 1866; Congressional Reconstruction; Democratic Party; Elections of 1866; Elections of 1876; Orr, James L.; Readmission; Republicans, Moderate; Republicans, Radical.

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*John (Rod) Andrew, Jr.*

### **Phillips, Wendell (1811–1884)**

Wendell Phillips, white orator, **abolitionist**, and social reformer, was born in Boston, Massachusetts, on November 29, 1811. He was youngest of John and Sarah (Walley) Phillips's eleven children. John Phillips was a philanthropist and politician, and both he and Sarah were members of the city's social elite. Wendell Phillips became nineteenth-century America's greatest speaker on behalf of the downtrodden: **African Americans**, industrial workers, and women. During Reconstruction, he advocated radical change in the South to establish and protect the rights of former slaves.

#### **Early Years**

Phillips enjoyed a privileged youth, during which his parents guided him toward religious piety and social activism. He attended Boston Latin School, graduated from Harvard College in 1831, and earned a degree from Harvard Law School in 1833. From the start, Phillips exhibited extraordinary speaking skills. Athletic, handsome, and ambitious, he expected to accomplish great things at a time when the United States experienced fundamental economic, social, and political change. The North's market revolution altered patterns of employment, family life, and public morality. The religious revival known as the Second

Great Awakening inspired a plethora of reform movements. Jacksonian Democracy launched an age of mass political parties. All of these developments influenced Phillips's career. He recognized more clearly than other leaders the dislocating impact of economic change. His religious faith and his family's commitment to austere republican values encouraged him to favor an orderly moral society, which seemed to be threatened by southern slave society.

Phillips practiced law in Boston during the mid-1830s, but was anxious to find a more meaningful career that would permit him to continue his family's tradition of moral leadership. Two events led him to join an antislavery movement already in progress. First, in mid-1836, he proposed marriage to Ann Terry Greene, who was a devoted supporter of immediate abolitionist **William Lloyd Garrison**. Greene, whom Phillips married in October 1837, suffered from rheumatoid arthritis and was an invalid for most of her life. She nevertheless encouraged Phillips to become an immediate abolitionist and social radical. Second, the November 1838 murder in Alton, Illinois, of abolitionist journalist Elijah P. Lovejoy by a proslavery mob convinced Phillips that abolitionists were defenders of republican liberty.

Phillips became a leader in the Massachusetts Anti-Slavery Society and the American Anti-Slavery Society (AASS). He became Garrison's associate and friend, despite their contrasting social backgrounds and personalities. By the late 1830s, they were certain that the United States required radical change, although they did not precisely agree in reform philosophy. Garrison was a nonresistant—an opponent of all violent means, including those employed by government—who refused to engage directly in politics. Phillips was more flexible, but he joined Garrison in rejecting political action under what he considered to be a proslavery **U.S. Constitution**. Like Garrison, Phillips opposed organized religion, criticized **church**-oriented abolitionists, and supported women's rights.

In 1840, when church-oriented and political abolitionists left the AASS, Phillips remained loyal to Garrison and to the "old organization." From the 1840s through the 1850s, Phillips, like other members of the "Garrisonian" faction, emphasized agitation in the North and the dissolution of the Union to free northerners of the guilt of slavery and to deprive slaveholders of northern support. He rejected more aggressive tactics, such as going south to help slaves escape, sending antislavery missionaries into the South, and developing a southern antislavery political movement.

Following the passage of the Fugitive Slave Act of 1850, Phillips became involved in efforts to protect fugitive slaves from capture, but, although Phillips was a member of Boston's biracial Vigilance Committee, he was far less committed to violent means than were other members. He objected in 1854 to the failed forceful attempt to rescue fugitive slave Anthony Burns from a Boston courtroom. Phillips was more comfortable in the ultimately successful campaign to desegregate public schools in Boston and other Massachusetts municipalities.

Meanwhile Phillips transcended the antislavery movement to become the greatest American orator of his time. Improved means of communication (principally the telegraph) and travel (principally **railroads**) contributed during



the 1850s to the emergence of a lyceum movement in the North. It sought to improve public morality by providing uplifting speakers. Phillips believed he could use the lyceums to further a radical agenda. Although he often spoke on seemingly innocuous subjects, such as "The Lost Arts," he never failed to oppose aristocracy and favor equality and wage labor. In some instances, his lyceum speeches urged abolitionism and recognition of black manhood as in his discussions of Boston Massacre martyr Crispus Attucks and Haitian revolutionary Toussaint L'ouverture. Most influential, however, were his speeches in opposition to the Fugitive Slave Law of 1850, the Kansas-Nebraska Act of 1854, and the **Supreme Court's** Dred Scott decision of 1857. Phillips, like most abolitionists, remained ambivalent regarding violent means until John Brown's raid on Harpers Ferry, Virginia, which Phillips regarded as a blow in favor of freedom and against the immorality and disorderliness of slavery.

### *In the Civil War and Reconstruction*

Following the election in 1860 of Republican presidential nominee **Abraham Lincoln**, Phillips insisted that Brown and Garrison, rather than Lincoln, were the true representatives of antislavery opinion. Soon after the Civil War began in April 1861, however, Phillips like other Garrisonians, ceased advocating disunion and firmly supported the Union war effort. Phillips emerged as the North's most popular wartime speaker. Beginning with his spring 1862 visit to Washington, D.C., Phillips also became a leader among **Radical Republicans** who insisted that President Lincoln make general **emancipation** and **black suffrage** (for males) war aims. Phillips hoped the war would end sectional, class, and racial divisions. In early 1863, he claimed that abolitionist agitation, rather than strategic necessity, had produced Lincoln's Emancipation Proclamation.

Phillips's insistence that immediatists had to pressure the Lincoln administration to advance the interests of slaves and former slaves led to a rupture in his relationship with Garrison, which reflected broader disagreement among immediatists. Garrison regarded the Emancipation Proclamation as a vindication of his many years of antislavery agitation and was willing, henceforth, to support Lincoln as he moved forward at his own pace. Phillips led those immediatists who believed they had to continue agitating for black equality. He advocated federal action to permit black men to vote, to redistribute plantation land among former slaves, and to promote black **education**. Because Phillips did not trust Lincoln to pursue these goals, he joined a minority of Radical Republicans in a failed attempt to replace Lincoln with John C. Fremont or **Salmon P. Chase** as the Republican presidential nominee for the **election of 1864**.

As the war ended during the spring of 1865 and Garrison called for the dissolution of the AASS, Phillips fought successfully to keep it going and became president of the weakened organization. The **assassination of Abraham Lincoln** that April had brought Vice President **Andrew Johnson** to the presidency. As it became clear that Johnson opposed land redistribution and would not take action against the discriminatory **Black Codes** that former Confederate states passed to control African Americans, Phillips became an

early advocate of impeaching the president. Phillips also called for national legislation to protect black rights and to transform the South using New England as a model. As a speaker and agitator, Phillips exercised great influence on northern public opinion. He opposed the **Fourteenth Amendment** prior to its ratification in 1868 because, like many other abolitionists, he believed it provided inadequate protection for the right of black men to vote. He hoped that Radical Reconstruction would create “absolute civil and political equality,” but he feared that the Republican Party lacked the staying power to achieve this goal. In deteriorating health, he had given up on land redistribution and compulsory black education, placing all his hopes for black advancement in the **Fifteenth Amendment’s** guarantee of black male suffrage, which, he contended, would allow African Americans to defend their other rights (a common theory among Republicans). When the amendment gained ratification in 1870, he declared that abolitionists had achieved their ultimate goal and he brought about the dissolution of the AASS.

Phillips believed that universal **suffrage** was the key to eliminating class, ethnic, and racial strife. Sadly, he also realized that these were increasing in the United States. By the late 1860s, Phillips had become involved in Massachusetts politics, labor reform, and women’s suffrage. He also spoke against the **violence** of the **Ku Klux Klan** in the South. Although he had little respect for Republican general and president **Ulysses S. Grant**, he supported Grant’s reelection to the presidency in 1872 because he feared that the **Liberal Republicans** would end Reconstruction. He opposed the **Compromise of 1877** that ended the last vestiges of black rights in the South, but by then had given up hope that he could influence the course of events in that region. Although his health grew increasingly frail and he devoted considerable time to caring for his wife, Ann, Phillips remained active in a variety of reforms until shortly before his death in Boston, on February 3, 1884. *See also* Amnesty Proclamations; Civil Rights; Congressional Reconstruction; Presidential Reconstruction; Redemption; Stanton, Elizabeth Cady; Women’s Movement.

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*Stanley Harrold*

### **Pierpont, Francis H. (1814–1899)**

Francis Harrison Pierpont, an antebellum Whig lawyer and businessman in western **Virginia**, was drawn into politics during the secession crisis of 1861. He took a leading role in opposing secession, was eventually elected governor of the wartime Unionist “Restored government” of the state, helped to create the new state of **West Virginia**, and served as the postwar Reconstruction governor of Virginia until 1868.

Born on a farm near Morgantown (in what is now West Virginia) on January 25, 1814, Pierpont was educated at Allegheny College in Meadville, Pennsylvania. After graduation with honors in 1839, he taught school and studied law. Admitted to the Virginia bar in 1842, he began a prosperous law practice in Fairmont (near Morgantown) and became an attorney for the Baltimore & Ohio **Railroad** in 1848. By 1854, when he married Julia Augustus Robertson, a daughter of Wisconsin **abolitionists**, he also owned a coal mine, brick factory, and tannery.

A Whig before the Civil War, Pierpont did not become prominent in the political world until the secession controversy of 1861. Like many residents of the western third of the state, he resented the influence and disproportionate power of the slaveholders of eastern Virginia. When the voters of the Old Dominion voted to secede in May 1861, Pierpont took a leading role in the growing western movement to resist separation from the Union. At a mass meeting of loyalists in Wheeling in June 1861, he provided the legal justification for forming a separate, pro-Union government for the state of Virginia (based on Congress's obligation to guarantee a "republican form of government" in all states). He was elected governor of Virginia by the Wheeling convention on the theory that the state's secessionist officials in Richmond had forfeited their right to hold office. Within a few weeks, both President **Abraham Lincoln** and the U.S. Congress recognized Pierpont's "Restored" regime in Wheeling as the only legitimate state government in the Old Dominion.

Pierpont was an efficient and tireless administrator of the Unionist government of the state, which exercised authority mainly in counties west of the Appalachian Mountains. He raised volunteer regiments for the Union army, created a new bureaucracy to handle state affairs, encouraged the growing movement to create the separate state of West Virginia, and provided law and order in those counties his government could reach. When the statehood movement achieved its objective in the summer of 1863, Pierpont declined an invitation to serve as the first governor of West Virginia because he was, technically, still governor of Virginia. Instead, he moved the Restored government back to old Virginia to continue its administration over the few counties that were firmly in Union hands (mainly near the **District of Columbia** and Norfolk and on the Eastern Shore).

Under Pierpont's leadership, the Restored government began reconstructing the Old Dominion by holding a **constitutional convention** in Alexandria (across the river from Washington) in 1864. The new constitution abolished slavery in Virginia and adopted other reforms that other Confederate states would accomplish only after the war. The impact of the "Alexandria constitution" was quite limited, however, because the Restored government controlled few counties as long as the war continued. When the war ended in 1865, Governor Pierpont moved his administration down to Richmond, occupied the governor's mansion, and called the tiny Restored legislature into session to return the state to normalcy.

Because his loyalty to the old flag was inspired mainly by his love of the Union and not by any deep concern for the welfare of the former slaves, Pierpont's postwar policies tended to alienate Virginians on both sides of the political spectrum. He was too conservative for the freedpeople and many

white Republicans, but native white conservatives loathed him for his vigorous wartime opposition to the Confederacy. When he tried to incorporate former Confederates into postwar politics in his desire to get on with public life, his old loyalist allies denounced him as a turncoat. When he urged ratification of the **Fourteenth Amendment** and encouraged the growth of the state's Republican Party, former Confederates excoriated him as a **Radical Republican**. Caught between the grindstones of conservative and Republican politics, Governor Pierpont became almost an irrelevant figure in Virginia by 1867. General **John M. Schofield** removed him from office in 1868, and he returned to his old home in Fairmont, then part of the new state of West Virginia.

He remained a centrist Republican in his politics after the war and even served one term in the West Virginia legislature, but he gradually faded from public view and spent the last thirty years of his life as a lawyer and businessman in Fairmont. When he died on March 24, 1899, he was known more for his role in the formation of West Virginia than for his courageous and valuable service as the Unionist governor of Virginia. *See also* Amnesty Proclamations; Canby, Edward Richard Sprigg; Congressional Reconstruction; Presidential Reconstruction; Readmission.

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*Richard Lowe*

### **Pike, James Shepard (1811–1882)**

As a journalist and political/policy intellectual, Pike's career and thought were indicative of why the first Reconstruction (1862-1877) fell short of **Radical Republican** goals. In a word, for all of his antislavery sentiment (which was different from **abolitionism**), Pike was a racist whose creed turned on the unexamined assumption that **African Americans** were inferior and innately incapable of self-government and living in personal freedom. His values—all too common for whites during his lifetime—meant that a true reshaping of southern and American institutions and values were strictly limited in possibilities.

Pike was born in Calais, Maine. His father, whose occupation remains unknown, died in 1818, leaving his mother, Hannah Shepard, with four young sons. Receiving brief schooling, Pike spent a number of years clerking in various New England stores. A committed reader, he was largely self-taught. He disliked the Jacksonian Democrats, and so he became a Whig in the 1830s and turned his pen and fortune to that party. Difficult and financially unrewarding, Pike's private life was rather ordinary. He was married twice, first to Charlotte Grosvenor in 1837, with whom he had one child, and after her untimely death to Elizabeth Ellicott in 1855.

In business, however, his fate was better. From a wide range of business activities he made such a living that he moved to Washington, D.C., to pursue a career in political journalism. As a Whig, he issued a strong antislavery message that included a criticism of Daniel Webster's support of the Compromise of 1850. Pike also wrote for the powerful newspaper mogul **Horace Greeley** as a special correspondent. Pike even suggested a disunion policy of allowing southern states the freedom to exit the Union.

Before and during the Civil War, obvious evidence of Pike's racism increased. He linked his racism with a conspiracy theory (the so-called "slave power" plot) that the South wanted to extend the slave system to include the entire country. His antisouthern stance linked him to the Radical Republicans, but he shared none of their sense of human equality or concern for blacks' rights. He continued his racial analysis in Greeley's *New York Tribune*. Even as the war unfolded and the prospects for abolitionist victory increased, Pike was still highly troubled. The ex-slave might be freed, but he was an African and therefore ultimately inferior and incapable of self-government or other characteristics of being civilized. Pike therefore endorsed a policy of segregation and strict caste system based on a division of the races, making the South a "Negro pen."

During much of the war he was abroad, representing the United States in the Netherlands. Returning to the states in 1866, he continued writing for the *Tribune*, but, like its owner and editor, he became dissatisfied with the **Grant** presidency. In 1873, Pike joined the **Liberal Republicans** in their bid to unseat the regular Republicans and Grant. Disappointed by defeat, Pike began investigating and touring the South, particularly **South Carolina**. The result in the same year was the publication of *The Prostrate State: South Carolina under Negro Government*, an extremely critical, prejudiced look at Republican southern governments, and the blacks, **carpetbaggers**, and **scalawags** that ran them. The book was widely praised by contemporaries as a "solid source," and Reconstruction historians used it well into the twentieth century. Some even argue the book's impact helped bring Reconstruction to an end; its assumptions regarding blacks' innate inadequacies and carpetbaggers' immorality merged with northern cynicism and apathy to doom the southern Republican government. James Pike died in his hometown of Calais, Maine. *See also* Compromise of 1877; Congressional Reconstruction; Elections of 1876; Emancipation; Jim Crow Laws; Moses, Franklin J., Jr.; Readmission; Redemption; Scandals; Scott, Robert K.

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*Donald K. Pickens*

### **Pinchback, Pinckney Benton Stewart (1837-1921)**

Pinckney B. S. Pinchback was one of the most important **black politicians** in **Louisiana** and a major figure in the state's Republican Party both during and after **Congressional Reconstruction**. He held various offices, but he is

best known as the first black governor in U.S. history and the only black governor during Reconstruction, although his gubernatorial term lasted only thirty-five days. He was also elected to the U.S. House of Representatives and to the U.S. Senate from Louisiana, but in each instance, his election was successfully contested and he served in neither house. In addition to his political career, Pinchback was an attorney, businessman, and newspaper editor, and he remained a leader among **African Americans** in Louisiana until he left the state in the 1890s.

### *Before Reconstruction*

Pinchback, the eighth of ten children, was born near Macon, **Georgia**, on May 10, 1837, while his father, a white planter, and his mother, a recently manumitted mulatto, were traveling from Virginia to Mississippi. He was sent as a youth to Cincinnati for his **education**, but upon his father's death and the rest of his family's removal to Ohio to avoid the risk of enslavement, he took a job as a cabin boy on canal boats in the Ohio area. He subsequently worked on riverboats on the Mississippi, Missouri, and Red Rivers and eventually became a steward while also gaining a reputation as a riverboat gambler.

Upon the outbreak of the Civil War and the federal capture of New Orleans, the light-skinned Pinchback made his way to that city in May 1862 and served briefly in a white Unionist regiment from Louisiana. When General **Benjamin F. Butler**, the federal commander in Louisiana, announced the formation of free black regiments later that year, Pinchback received authorization to recruit volunteers, and in October 1862, he was designated a captain in the Louisiana Native Guards. He held this rank until September 1863, when discriminatory treatment and hostility from white officers prompted him to resign. Pinchback subsequently applied for and received a commission as a recruiter from General **Nathaniel P. Banks**, Butler's replacement, but he resigned again after being denied a commission as captain, because he was black, in a unit he had helped organize.

### *Reconstruction and Entrance into Politics*

For the remainder of the war, Pinchback worked with a group of fellow free black men and white radicals who championed **civil rights** and **black suffrage**. After the war, he left New Orleans for **Alabama**, where he spent the next two years advocating black education, racial equality, and black political rights. With the implementation of Congressional Reconstruction—which subjected the southern state governments to military authority, called for new state constitutions that incorporated black suffrage, and mandated that ex-Confederate states ratify the **Fourteenth Amendment** to the U.S. **Constitution** for **readmission** to the Union—Pinchback returned to New Orleans, where he joined the Republican Party and embarked upon a political career. In early 1867, he organized the Fourth Ward (New Orleans) Republican Club, which became his political base, and in September, he gained election as delegate to the state **constitutional convention**, where he drafted a key civil rights provision of Louisiana's 1868 constitution. At the Louisiana Republican Party's nominating convention in January 1868, in

preparation for upcoming state elections, Pinchback was proposed as a possible gubernatorial candidate, but he declined, maintaining that the nomination of a black man was ill-advised at the time. At the April elections, voters approved the new constitution and elected Republican candidates **Henry Clay Warmoth**, a **carpetbagger**, as governor and **Oscar J. Dunn**, Pinchback's rival as the state's leading black Republican, as lieutenant governor. Pinchback was elected to the state senate from New Orleans as part of the Republican majority in the state legislature, and he served until December 7, 1871, when he was elected lieutenant governor following Dunn's sudden death.

Pinchback occupied an anomalous position within the Republican Party. As an important power broker who controlled a significant bloc of the state's black votes, he could exercise a certain degree of autonomy. Yet for all his influence, Pinchback was a black man in an organization whose leadership was dominated by whites. Pinchback initially supported Warmoth, and he played an important role in the Republican Party's attempt to secure racial equality, promote economic development, and attract white support. Nonetheless, by 1870, Republican discontent with Warmoth's limited support of black civil rights and differences over state and federal **patronage** led the party to divide into pro-Warmoth and anti-Warmoth, or "Custom House," factions. The former included mostly state employees while the latter consisted of federal officials headquartered at the U.S. Custom House in New Orleans. In the midst of this strife, Pinchback led his own faction, which maintained an independent position and alternately supported either of the two factions as circumstances dictated.

Pinchback's relations with Warmoth, while always personally cordial, were nonetheless driven by political concerns. Although in 1870 Warmoth vetoed a major civil rights bill that Pinchback had sponsored, Pinchback's reservations about certain Custom House Republicans kept him from splitting with Warmoth. In 1871, moreover, Warmoth supported Pinchback's election as lieutenant governor, if only to secure Pinchback's support in his battle with the Custom House. By early 1872, Louisiana's Republican Party was hopelessly divided. With both the Warmoth and Custom House factions claiming to be the state's legitimate Republican Party, President **Ulysses S. Grant** supported the Custom House faction, which gained control of the party and moved to isolate Warmoth. Despite having been disavowed by his own party, Warmoth continued to wield considerable power as governor as the 1872 elections approached, and although Pinchback endorsed Grant's reelection, he had not yet broken with Warmoth.

### ***Pinchback Becomes Governor***

With the 1872 split in the national Republican Party and the **Liberal Republican** revolt against Grant's reelection, and with Warmoth no longer controlling Louisiana's Republican Party, Warmoth became leader of the state's Liberal Republicans and supported the nomination of **Horace Greeley** for president. State elections were also scheduled for 1872, and the gubernatorial nominees included Democrat John D. McEnery and Republican **William Pitt Kellogg**. The possibility remained that Louisiana Republicans

and Liberal Republicans might reunite, but instead Democrats and Liberal Republicans formed a "Fusion" ticket headed by McEnery. Pinchback had expressed some sympathy for the Liberal Republicans, but once Warmoth sided with the Democrats, Pinchback and his supporters abandoned Warmoth and endorsed Kellogg.

The election of 1872 in Louisiana was one of the most controversial in the state's history. Intimidation and **violence**, especially against blacks, characterized the campaign, and fraud marred the election. Both Kellogg and McEnery claimed victory, as did rival Republican and Democratic legislatures. In hopes of giving Kellogg an advantage, and to punish Warmoth for having supported the Democrats, the Republican legislature impeached Warmoth in early December, automatically suspending him from office and elevating Pinchback, as lieutenant governor, to the governorship. Pinchback's term as governor lasted from December 9, 1872, until January 13, 1873, but he was the first black man in U.S. history to hold that office. Once Pinchback's term ended, rival state governments proceeded to hold inaugurations, but President Grant later recognized the Kellogg government.

To complicate matters further, Pinchback had been the Republican candidate for Louisiana's at-large congressional seat in 1872, and he claimed victory in that race; moreover, the new Republican-majority legislature, upon convening in mid-January 1873, elected Pinchback to the U.S. Senate, making him the only person in U.S. history to simultaneously claim seats in both houses of Congress. Pinchback was eventually denied both seats, owing to allegations of bribery and to the chaos surrounding the 1872 elections, but the senate voted to reimburse him a sum equivalent to the salary he would have received had he served.

### ***Post-Reconstruction Years***

Despite these setbacks, Pinchback continued to hold office and to play a prominent role in public life. After the 1877 **Redemption** of Louisiana, he was appointed to the state Board of Education. He held federal posts in New Orleans from 1879 to 1886 and attended the Republican national conventions of 1880, 1884, and 1892. He served as a delegate at the state constitutional convention in 1879 and was instrumental in establishing historically black Southern University, on whose board of trustees he sat during the 1880s. He studied law at Straight University in New Orleans and was admitted to the Louisiana bar in 1886. Pinchback also invested in a number of businesses during and after Reconstruction, including a cotton factorage, a Mississippi River packet company that accommodated black passengers upon the implementation of **Jim Crow laws**, and a newspaper that addressed the black community's concerns. While Pinchback was a firm supporter of racial equality and black economic advancement, he was also an opportunist tainted by **scandal** who used public office to enrich himself personally.

In 1893, Pinchback moved to Washington, D.C., where he was employed for a time as a federal marshal. He also established a law practice and joined the city's black elite. He died in Washington on December 21, 1921, but was buried in New Orleans. *See also* Bourbons; Disfranchisement; Hahn, Georg



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*John C. Rodrigue*

## Poll Tax

Although the poll tax is generally understood as a capital tax uniformly levied on every adult in a given community or geographical area, it has a specific history in the United States because of the critical role it played in disfranchising **African American** voters following Reconstruction.

Following the ratification of the **Fifteenth Amendment** in 1870, no state could use race, color, or previous condition of servitude as criteria in determining **suffrage** (the right to vote), but the amendment was "negative" in nature, not fully conferring the right to vote but rather merely excluding a few specific provisions. Thus, after Reconstruction collapsed in the face of the conservative white **Bourbon** governments across the South, states began revising their constitutions and finding shrewd ways of circumventing the Fifteenth Amendment. Beginning in 1889, when **Florida** and **Tennessee** enacted a poll tax of between one and two dollars as a prerequisite to vote, many southern states followed suit and employed the tax as a way to significantly limit black participation in the electoral process. All prospective voters were asked to show a receipt in these states demonstrating that they had made their tax payment for the year, and they were not allowed to vote in the current election if they were unable to do so. In some cases, the tax was cumulative for a specific number of years preceding the election, which compounded both its burden on the poor and its anticipated effect of segregating voters according to race and class. Poll taxes were abolished in many states by the 1940s, but it would take a constitutional amendment and a landmark **Supreme Court** decision to guarantee that they were recognized as unconstitutional throughout the country.

The poll tax, like literacy tests and residence requirements, threatened to undo much of the progress that been gained in black voter participation during Reconstruction, a time in which more than 1,000 African American men were elected to local, state, and national positions. Collectively, these impediments reversed the growing number of African American men able to exercise their right to vote, curbed their political power and presence at all levels of government, and made it so that they would no longer be seen as full participatory members in the nation's democratic system. While it is true that poor whites were also unfairly burdened by the poll tax, provisions like "grandfather clauses" muted the force of those burdens and ensured that

whites could fit through loopholes not available to blacks. These particular clauses allowed a man whose father or grandfather had voted in a election prior to 1867 (or who had previously done so himself) to be exempted from the tax, an option clearly unavailable to African American men. Nationally guaranteed suffrage rights were not extended to African American women until 1920, when all women citizens gained the right to vote. Yet, black women were also affected by the tax after being enfranchised.

Eleven states in the American South implemented poll taxes after Reconstruction. Not until the second Reconstruction would these be completely nullified, with the ratification of the Twenty-fourth Amendment to the Constitution in 1964. This amendment prohibited denying or abridging a citizen's right to vote in federal elections on the basis of failing to pay a poll or other tax. The amendment was proposed by the 87th Congress and ratified by thirty-eight of the fifty states in January 23, 1964. It would be more than a year later, however, before the Supreme Court extended prohibition of the poll tax to *all elections* when it was faced with challenges filed by two African American women from Virginia: Annie Harper and Evelyn Butts. In *Harper v. Virginia State Board of Elections*, the Supreme Court held that a Virginia statute giving voters the choice of either paying a poll tax or filing a residency certificate six months prior to an election violated the equal protection clause of the **Fourteenth Amendment**. The case was decided together with *Butts v. Harrison* on March 24, 1966, and finally the nearly eighty-year reign of the poll tax came officially to a close. *See also* Black Politicians; Black Suffrage; Civil Rights; Congressional Reconstruction; Disfranchisement; Enforcement Acts; Military Reconstruction Acts; New South; Redemption; Republicans, Radical; U.S. Constitution.

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*Amanda J. Davis*

### **Pope, John M. (1822–1892)**

John M. Pope, born in Louisville, **Kentucky**, graduated from West Point in 1842, and became a topographical engineer before serving in both the Mexican and Civil Wars. A successful general in the early western phases of the war, President **Abraham Lincoln** shifted him east to command a new Union army, the short-lived Army of **Virginia**. His pomposity before the Battle of Second Bull Run, and subsequent resounding defeat, relegated him out west to battle **American Indians**. However, Pope was able to rescue his career from a blemished past through his service out west; by 1865, he commanded the Department of the Missouri and was brevetted to major general. He remained as a career officer after the war's end, and in 1866, helped established Fort Hays, Kansas.

As Reconstruction unfolded, and the relations between the new president, **Andrew Johnson**, and the **Radical Republicans** deteriorated, army officers

came to play new and unprecedented roles. Following the passage of the **Military Reconstruction Acts** in March 1867, the former Confederacy was divided into five military districts. On April 1, 1867, Pope took charge of the Third Military District, which included **Alabama, Georgia, and Florida**.

Compared to other district commanders, Pope took a more proactive approach in serving his district, revealing his Republican background and perhaps displaying a tendency to favor the Radical's interpretation of the scope and purpose of **Congressional Reconstruction**. The forty-five-year-old commander quickly recognized Alabama was more tolerant of Congress's goals, while Georgia seemed unruly and even unrepentant, best exemplified by the state senate rejecting the **Fourteenth Amendment**. Always brash and even overbearing, Pope responded to the situation by taking full advantage of the authority granted to the district commanders under the recent congressional legislation. For practical and political reasons, he relocated headquarters to Atlanta and began revamping his district by installing new mayors, councilmen, justices, sheriffs, tax collectors, school administrators, and even physicians. From April to July 1867, he filled 123 positions in Alabama, 26 in Georgia, and 13 in Florida. Pope was less successful in his hope of dismissing defiant Georgia governor **Charles J. Jenkins**, busy in Washington with a **Supreme Court** case that questioned the constitutionality of the Reconstruction Acts. The Court dismissed *Georgia v. Stanton*, but Jenkins remained as governor. Pope was more successful at censoring newspapers and overseeing **educational** programs. His General Orders 49 made him the only district commander who attempted to control editors from publishing inflammatory language against Republicans and Reconstruction. In Florida, Pope carefully supervised the state's instituted school tax placed on **African Americans**, just to make sure those who were paying for its cost were reaping the benefits. Pope hoped education and **black suffrage** would also lead African Americans into the jury box, where they could protect themselves from southern discrimination.

Another predicament surfaced in Alabama on May 14, 1867. A Pennsylvania Radical Republican spoke in Mobile to a mixed audience of blacks and whites. Some less-receptive listeners started jeering, and shots were fired. With no police to quell the volatile atmosphere, rioting ensued, leading to a death and several injuries. Local whites immediately felt Pope's wrath: The general ousted Mayor Jones M. Withers (a former Confederate general), the city's police chief, its entire council, and the alderman board. Without haste, he issued General Orders 25, perhaps his most important act during Reconstruction since it became the model for suppressing disturbances during rallies. When political meetings were to be held, advance notice had to be given, while the mayor, chief of police, and policemen had to attend to maintain order; if a gathering was to be assembled outside the municipality, county sheriffs acted as the authority with law enforcement agents. If order was not maintained, federal troops could be summoned. Such dedication to protecting black and white Republicans did not endear Pope to President Andrew Johnson. Pope fell to Johnson's so-called "Radical Purge," as did E.O.C. Ord, **Daniel Sickles**, and **Philip Sheridan**, other commanders who seemed too eager to enforce Congress's program. On December 27, 1867, Pope was relieved of command and

replaced by a more moderate George Gordon Meade. *See also* Civil Rights; Civil Rights Act of 1866; Race Riots; Suffrage; U.S. Army and Reconstruction; Violence.

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*Michael P. Gray*

## Port Royal Experiment

On November 7, 1861, Union military forces under the command of Lieutenant General William W. Reynolds captured Port Royal, one of the Sea Islands off the coast of **South Carolina**. Virtually all white inhabitants had already fled the island, leaving behind some 10,000 slaves. Northern reformers and investors soon arrived, hoping to help these **African Americans** make the transition from a slave to a free **labor system**. This experiment would become the first of many “rehearsals for Reconstruction” in the South during the Civil War.

The most highly publicized reformers to “experiment” with Port Royal slaves were young teachers and missionaries from the North, collectively known as Gideon’s Band. These men and women were idealistic **abolitionists** who believed that the peculiar institution had ill prepared African Americans for free labor. They argued that slavery had demoralized blacks, making them unable to compete in the competitive world of the marketplace. The Gideonites, assisted by the **American Missionary Association**, immediately opened schools in Port Royal to **educate** the former slaves. Some also demanded that the federal government give these freedmen land and not force them to plant cotton. “The negro can see plainly enough that the proceeds of the cotton will never get in black pockets,” wrote one young teacher in 1862 (Foner, 52). Although paternalistic, most Gideonites truly wanted to help these African Americans.

More influential than the Gideonites were northern investors and Union officials. These men, hoping to capitalize on high cotton prices, encouraged Port Royal blacks to plant cotton. Some were abolitionists who wanted not only to make a profit, but also to demonstrate that blacks could work more efficiently as free laborers. Nonetheless, all argued that **emancipation** did not imply the abandonment of cotton. Port Royal blacks would continue to work on the island’s cotton plantations for a wage. “Negro labor has got to be employed, if at all,” Edward Philbrick wrote in 1863, “because it is profitable, and it has got to come into the market like everything else, subject to the supply and demand” (Rose, 223). Secretary of the Treasury **Salmon P. Chase**

agreed with Philbrick and other northern investors, approving a plan that offered freedmen wages to harvest the valuable cotton.

Nevertheless, Port Royal blacks possessed their own definition of freedom. They did not want to grow cotton, arguing that it was a “slave crop” that had “enriched the masters, but had not fed them” (Foner, 51). Like most whites, Sea Island blacks desired economic independence. They wanted to own their own land and grow subsistence crops like corn and potatoes. These freedmen resisted northern reformers’ efforts to introduce them to a wage-labor economic system. In the end, however, most blacks were unable to maintain a subsistence lifestyle. Because Union soldiers took most of the foodstuffs on the island, former slaves remained dependent on the federal government for aid. Many had no choice but to sign labor **contracts** and work for wages. Nor did these freedmen become landowners. Most of the confiscated land that Treasury agents auctioned during the Civil War went to northern speculators, cotton companies, army officers, and government officials.

The Port Royal Experiment foreshadowed many of the problems that African Americans faced in the South after the Civil War. It revealed that former slaves and whites had a different notion of the meaning of freedom. Port Royal blacks, like those elsewhere in the South during Reconstruction, did not want to toil under the supervision of whites. Freedom meant landownership. Although dabbling in the market economy, most desired to grow provision crops, not cotton. Most whites ignored this lesson. Federal officials, wanting former slaves to become wage laborers, were hesitant to redistribute land



African Americans preparing cotton for the gin on Port Royal Island, South Carolina, 1862. (Courtesy of the Library of Congress.)

seized from Confederates. The economic independence that blacks desired would remain elusive for the remainder of the nineteenth century and beyond. *See also* Agriculture; Amnesty Proclamations; Bureau of Refugees, Freedmen, and Abandoned Lands; Edisto Island, South Carolina; Field Order No. 15; Pardons; Presidential Reconstruction; Sharecropping; Stevens, Thaddeus; U.S. Army and Reconstruction.

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*Bruce E. Stewart*

**Presidential Election of 1864.** *See* Elections of 1864.

**Presidential Election of 1868.** *See* Elections of 1868.

### **Presidential Reconstruction**

Reconstruction, the process of restoring the former states of the Confederacy to the Union during and following the Civil War, proceeded in two distinct phases—Presidential Reconstruction and **Congressional Reconstruction**. Presidential Reconstruction refers to the stage of that process begun during the war when Presidents **Abraham Lincoln** and **Andrew Johnson**, rather than Congress, took the initiative in determining the restoration policy.

By the spring of 1865, the doctrine of secession had been invalidated by force of arms, and slavery as an institution had been destroyed. Yet, key questions remained unanswered. Who would hold postwar power in the former rebellious states? How would persons formerly in rebellion against the United States be treated? What would be the terms for their **readmission** to the Union? Who would set these terms and control the process of readmission? What would be the status of the **African American** freedpeople in American society? These questions had long been debated in the North. Indeed, as early as 1862, when federal forces first invaded the Confederacy, northerners had been discussing the future of the South. No consensus could be reached, and the attempts to find answers to these questions generated an intense political struggle that would eventually shake the republic to its foundations. In the end, Reconstruction became an improvised process of compromise that gradually evolved with changing circumstances.

### ***The Lincoln Administration and Wartime Reconstruction***

From the beginning of the Civil War to its end, Abraham Lincoln remained convinced that most southerners were still devoted to the Union. He believed, as did others, that southern Unionists had been either coerced into supporting the Confederacy, or hoodwinked by fire-eaters' political rhetoric that conjured up images of slave rebellions and other Republican-sponsored atrocities. His

belief colored and shaped his plans for restoration. Early on, as federal forces began to seize Confederacy territory in 1862, Lincoln hoped that a conciliatory policy would entice the region to lay down its arms. Through an ad hoc process sometimes characterized as “wartime reconstruction,” Lincoln encouraged his military commanders to respect the civil and property rights of southerners. He even discouraged his officers from interfering with slave property. He appointed **military governors** in occupied areas and hoped to quickly establish civilian governments in the South and return the nation to its prewar status. However, most southerners rejected his overtures, and the war only intensified. Lincoln, still reluctant to radically alter southern society, used **emancipation** as a last resort to compel the Confederacy to surrender.

Lincoln genuinely wanted to heal the nation’s wounds, but he also hoped that by offering generous peace terms, the Republicans could attract southern Unionists and former Whigs to the party, thereby broadening its base.

In December 1863, Lincoln outlined his program for Reconstruction in a Proclamation of **Amnesty** and Reconstruction. In it, he offered **pardon** to almost all Confederates, excluding only high-ranking civilian, military, and diplomatic leaders. Before being pardoned, these former leaders would first take a **loyalty oath**, swearing allegiance to the **U.S. Constitution** and pledging to accept all executive orders and congressional resolutions regarding slavery (in anticipation of the passage of the **Thirteenth Amendment**, which would abolish slavery in the United States). Amnesty carried with it the restoration of all political rights, including **suffrage** and holding office. Lincoln’s proclamation further stipulated that each of the former Confederate states could organize a new state government once a minimum of 10 percent of the number of white male voters from the 1860 presidential election took the loyalty oath. This new government would create a constitution establishing a republican form of government, abolishing slavery, and providing **education** for freed blacks. Once these requirements were met, the president would recognize the new governments. Lincoln did not advocate prosecuting prominent ex-Confederates, permanently **disfranchising** rebels, or imposing **black suffrage**. He did not rule out compensation for slave property, nor did he insist on giving blacks **civil rights**.

### *Lincoln’s Conflict with Congress*

Congress, reflecting the North itself, was deeply divided over the direction of Reconstruction. Virtually the entire northern **Democratic Party** and most conservative Republicans supported Lincoln’s so-called Ten Percent Plan and did not want to see any sweeping social or economic changes in the South. For them, the war had been about preserving the Union. However, **Moderate Republicans**, the largest group, believed that the former slaves should receive some basic civil rights. They did not support black suffrage or the confiscation of Confederate land, because the majority of their constituents did not support the idea. After all, at this time, most northern states restricted black civil rights, and only a few New England states allowed limited black voting.

Those in the party who pressed for a far-reaching restructuring of the South came to be known as **Radical Republicans**. Senators **Charles Sumner**

of Massachusetts and **Benjamin F. Wade** of Ohio, and Representatives **Thaddeus Stevens** of Pennsylvania and **George W. Julian** of Indiana led this wing of the Republicans Party in voicing strong opposition to Lincoln's plan, which they considered too lenient on the ex-rebels. Radicals lobbied for significant civil and political rights for the freed people. Many wanted to distribute land confiscated from the planter class, whom the Radicals blamed for the war, to the former slaves. They favored other harsh penalties for former Confederates, including disfranchisement and exclusion from holding public office. Some even pushed for black voting rights as a way of allowing freedpeople to protect themselves, while increasing the presence of the Republican Party in the South. Despite the varieties in party interests, and a range of reasons for opposing Lincoln's plan, congressional Republicans shared a frustration that the president had not elicited their advice in devising a Reconstruction policy. With so much at stake, they were determined to play a role in the process. Such an opportunity arose when Lincoln recognized the new governments of **Virginia, Tennessee, Louisiana, and Arkansas** as being "loyal" and ready for readmission, and Congress refused to admit their representatives to Congress.

Under the direction of Benjamin Wade and Representative Henry Winter Davis of Maryland, Congress formulated its counterproposal for Reconstruction. Issued in July 1864, the **Wade-Davis bill** stipulated that a majority of white adult male voters in each state, not just 10 percent, would be required to pledge an oath of allegiance before drafting a new constitution; restricted political participation to those who would take an "ironclad" oath swearing that they had never supported the Confederacy; and mandated that blacks would receive the same rights as whites under state law (except for voting rights). The Wade-Davis bill clearly demonstrated that Congress intended to play an active, even dominant, role in restoring the former Confederate states.

Although the bill passed Congress on the final day of the 1864 session, Lincoln killed it with a pocket veto. The president wanted to preserve the Unionist governments he had recognized and move the party toward the political center prior to the **elections of 1864**. His veto infuriated the Radicals, who countered by issuing the Wade-Davis manifesto in August 1864, accusing Lincoln of usurping Congress's legislative prerogatives.

After the victory of Lincoln and the **National Union Party** in 1864, the president seemed willing to work with Congress and modify his Reconstruction ideas. For instance, he supported a revised Wade-Davis bill that recognized and preserved his Louisiana and Arkansas governments, but the measure never passed. In January, the president and congressional Republicans did come together to support the **Thirteenth Amendment**, which would abolish slavery throughout the nation, and in March, Lincoln overcame his reservations and endorsed Congress's establishment of the **Bureau of Refugees, Freedmen, and Abandoned Lands**, commonly known as the Freedmen's Bureau. Designed as a relief agency for needy refugees, the bureau provided food, clothing, and fuel for both blacks and whites. Its primary mission, however, was to aid the freedpeople in their transition to freedom by establishing schools, supervising labor **contracts** and labor relations, and protecting the former slaves from intimidation and **violence**. In addition, Lincoln allowed to stand, temporarily, General **William T. Sherman's Field Order No. 15**,



which set aside abandoned lands on the Sea Islands and coastal region of **South Carolina** and **Georgia** for exclusive use by the region's freed population; for a brief moment, the Radicals were delighted. By the spring, as the war drew to a close, Lincoln even began to consider the idea of limited black suffrage in the South for literate males and Union veterans.

### *Andrew Johnson's Reconstruction Program*

Lincoln's plans ended with John Wilkes Booth's bullet on April 14, 1865. The next day, Andrew Johnson was sworn in as the nation's seventeenth president. Johnson, a southern Democrat, faced the enormous task of rebuilding the South and forging a coherent Reconstruction policy. At first, congressional Republicans, even Radicals, were willing to work with the president in shaping policy. Johnson certainly brought great experience to the office. He had built an enviable political career by serving in local, state, and national offices. As the only southern senator to remain loyal to the Union and retain his seat in Congress during the war, Johnson became a leader of the proadministration War Democrats and Lincoln's choice as the first **military governor** during wartime Reconstruction, for the state of Tennessee. His service there made him an expedient choice as Lincoln's running mate in 1864. Of humble origins, this ardent Unionist railed against the planter elite of the South, whom he blamed for the war. In several highly publicized addresses, he declared that "treason must be made odious, and traitors punished." Such pronouncements won him the admiration of the Radicals, many of whom even saw the hand of the Divine at work: Lincoln was remarkable as a wartime leader, but it seemed Johnson had been chosen by Providence to handle Reconstruction. Despite his rhetoric, however, Johnson still held to the traditional Democratic doctrines of states' rights, limited federal government activity, a restricted reading of the Constitution, and white supremacy. For him, the Civil War had been about preserving the Union, not remaking southern society or uplifting African Americans.

Johnson quickly disappointed Radicals and their revolutionary expectations. Like Lincoln, the new executive favored a speedy resolution to the problems of Reconstruction. Also like his predecessor, he believed the primary responsibility for Reconstruction rested with the executive branch. On May 29, 1865, with Congress out of session, he issued two proclamations that outlined his restoration policy. The first, similar to Lincoln's 1863 declaration, granted a general pardon to all who would pledge an oath of allegiance, and restored complete political rights to former Confederates. High-ranking civil, military, and diplomatic officials, any person who had resigned a federal post to serve the Confederacy, and all persons owning taxable property valued at more than \$20,000 were denied immediate amnesty; they needed to petition the president directly for an individual pardon.

The second proclamation applied originally to **North Carolina**, but was extended to include all former Confederate states not previously restored to the Union by Lincoln (in Virginia, Tennessee, Arkansas, and Louisiana, Johnson accepted the preexisting Lincoln governments). According to its provisions, Johnson would appoint a **provisional governor** who would register

voters for an election of delegates for a state **constitutional convention**. The convention would nullify the ordinances of secession, abolish slavery, and repudiate all state debts incurred during the rebellion. Next, elections would be held to select a governor, legislature, and new members of Congress. These new legislatures would then ratify the Thirteenth Amendment. At this stage, Johnson would recognize the new state government, end martial law, and withdraw the army, thereby restoring the state and its citizens to full rights and privileges in the Union. In conjunction with these proclamations, he reversed General Sherman's Special Field Order No. 15 and ordered that abandoned plantations be returned to their former owners. While Johnson intended to uphold the southern social hierarchy, he did suggest that the new state governments offer basic civil rights to the freedpeople and perhaps a limited franchise to some black adult males.

Because these were mere suggestions and not *requirements* for readmission, they were ignored, as were, in fact, some of the actual required conditions of the president's program. The former Confederate states quickly undertook Johnson's program for readmission, but a sense of defiance pervaded the state conventions. For instance, several states "repealed" rather than nullified their secession ordinances. South Carolina blatantly refused to repudiate its Confederate debt, **Texas** failed to ratify the Thirteenth Amendment, and **Mississippi** brazenly refused to do either. Georgia reserved the right to seek compensation for the loss of its slave property. Southern voters also elected prominent ex-Confederate officials to the U.S. Congress, including former congressmen, generals, and even the vice president of the Confederacy, **Alexander H. Stephens**. An even larger number of former secessionists won election to state offices.

The new state governments enacted a series of laws, known as **Black Codes**, to restore order to the economy and the social system. Ostensibly, the laws protected blacks, affording them the right to own property, make contracts, marry, and travel. In reality, however, they forced the former slaves into a caste system, significantly curtailing the rights and liberties that many believed freedom automatically bestowed. The codes varied somewhat from state to state, but typically they prevented blacks from voting, holding public office, serving on juries, testifying against whites, or owning firearms. Additionally, strict laws limited the occupations open to blacks, and **vagrancy** laws proclaimed that blacks who were considered unemployed could be hired out as forced labor. The laws even affected black children, who could be seized by the state and placed in apprenticeships if their guardians were deemed unfit for control. Conservative southern whites clearly intended to limit black freedom and control black labor, and an equally conservative president did not believe it constitutional for the federal government to interfere.

Northerners in general, and the Radical Republicans in particular, were outraged by the arrogance of the defeated rebels. Ironically, many northern statutes contained features similar to the Black Codes. However, while northerners were racist, a good number of them wanted to reward southern blacks for their support of the Union. Additionally, the restrictions placed on labor contradicted the free labor ideas long prevalent in the North. Therefore, before

Congress convened in December 1865, northern public opinion demanded changes to Johnson's overly lenient policies.

Even though the president realized that the former Confederate states had gone too far, he refused to alter his plan. Once the southern states had complied with the structural components of his conditions (such as new constitutions and new representatives, regardless of their quality or composition), Johnson considered Reconstruction complete. In addition to his constitutional conservatism, Johnson's attitude also stemmed from his desire to reshape the national political landscape after the war. He hoped to fuse conservative Republicans, southern whites, and northern Democrats into a new national party based on protecting the Constitution and the rights of the states. His **National Union Movement** would be tested in the congressional **elections of 1866**; then, Johnson hoped it would elect him president in 1868, ease sectional tensions, and move the nation toward prosperity and peace.

In just one of his many political blunders, Johnson's machinations did not anticipate the cohesion mustered by the Republicans. Party leaders realized that, following the abolition of slavery, the "three-fifths compromise" to the U.S. Constitution was eliminated, thus potentially giving former Confederate states *more* representatives and increased national power (instead of slaves each counting as three-fifths of a person for representation, each freedperson now counted as a whole person, albeit one devoid of any rights). Since the Democratic Party dominated the South, an alliance between northern and southern Democrats, sprinkled with conservative Republicans, could easily defeat a sectional party such as the Republicans. Naturally, Republicans were alarmed by Johnson's program, which seemed in so many ways to reward former rebels while it offered nothing to freed slaves, and even threatened the victorious Republican Party.

### ***Congress Demands a Role***

When the Republican-controlled Congress convened in December 1865, it promptly refused to seat the eighty southern representatives and senators. The Republicans then established the Joint Committee of Fifteen on Reconstruction (usually called the **Joint Committee on Reconstruction**) to hold hearings on the state of affairs in the South, while they deliberated on their own Reconstruction program. The party could reach no consensus because the Radicals demanded land confiscation and voting rights for the freedmen, measures the Moderates rebuked. Instead, **Moderate Republicans** hoped to work with Johnson to secure basic civil rights, not political rights as in suffrage, for the freedpeople and to create a process to prevent the former rebels from returning to power. Like Johnson and Lincoln before him, Moderates wanted to see southern white Unionists controlling the former Confederate states.

These divisions were no match for Johnson's unwitting ability to drive the Republicans together. In February 1866, while debating Reconstruction initiatives, Congress passed the **Freedmen's Bureau bill**, extending the life of the Freedmen's Bureau indefinitely, expanding the agency's legal authority in cases of discrimination, and authorizing the establishment of schools for

blacks. Fairly moderate in nature, the bill passed both houses with virtual unanimous Republican support. Johnson, not sensing the political atmosphere of support for the measure, vetoed the bill. Even more shocking than his veto was the president's claim that the measure was unconstitutional because the southern states, which would be most affected by the bill, were not represented in Congress. Johnson also depicted the attempt to extend federal services as un-American and even discriminatory, as the government seemed to be singling out a particular group for special assistance and attention, an unprecedented and even illegal move. Johnson fueled the controversy further by then delivering his **Washington's Birthday speech** that portrayed the Radicals as traitors for delaying the restoration of the southern states.

Moderates, confused and frustrated with the president's behavior, searched for a solution that would avoid a split with the president and still secure black rights. The possibility presented itself in March, when Congress passed with near unanimous Republican support the civil rights bill, essentially nullifying the *Dred Scott* decision and the worst abuses of the Black Codes by granting citizenship to blacks and guaranteeing their civil rights. However, seeing compromise and fearing a northern backlash, Moderates still refused to support black suffrage as part of the legislation. This attempt at conciliation mattered little. Johnson vetoed the act in April on the grounds that it discriminated against native whites and immigrants. Rather than isolate the Radicals from the Moderates as he had hoped, the action had the opposite effect: He pushed the Moderates closer to the Radical position. In April 1866, Congress overrode Johnson's veto of the **Civil Rights Act**, the first time Congress overrode a veto of a major piece of legislation. Congress exercised this power again in July by overriding Johnson's veto of a slightly revised Freedmen's Bureau bill.

Republicans acknowledged that Johnson would never support their two goals of protecting the rights of southern blacks and preventing the ex-Confederates from returning to power in the South. Therefore, the Joint Committee on Reconstruction proposed an amendment to the U.S. Constitution. In June 1866, after months of deliberation, the **Fourteenth Amendment** passed both houses of Congress with the necessary two-thirds majority. The result was an awkward compromise between the Radicals and Moderates. Along with the Freedmen's Bureau bill and the Civil Rights bill, the amendment essentially became the Republican peace terms for the defeated Confederacy. To protect blacks, the amendment defined all native-born and naturalized persons as citizens and prohibited states from denying any person equal protection under the law. Also, while blacks were not granted suffrage, any state that withheld the vote from its adult male citizens would have its congressional representation reduced proportionally. This allowed the Republicans to prevent the former Confederate states from increasing their congressional representation in the absence of the "Three-Fifths Compromise." The Confederate debt was voided, and the amendment stipulated that any person who had taken an oath to uphold the Constitution and then supported the rebellion was now disqualified from federal and state offices (although a two-thirds vote by Congress could remove the disability). The amendment was conservative in that it did not *guarantee* black suffrage, disfranchise former rebels, or confiscate land.

For the amendment to become part of the Constitution, it needed a three-fourths vote of approval from the states, including some former Confederate states. Seeing an opportunity to derail the program, Johnson discouraged the southern states from approving the amendment, claiming that it was unconstitutional because Congress had no right to submit an amendment without the southern states being represented. Every former Confederate state, save one, followed Johnson's ill-conceived advice and rejected the amendment; to Johnson's dismay, his home state of Tennessee ratified it in July 1866 and became the first Confederate state readmitted to the Union.

At the same time, the undaunted Johnson embarked on a speaking tour of the northeastern and midwestern states to drum up support for his policies, and promote the **National Union Movement**, his new conservative party. Although his **Swing Around the Circle**, as he called it, began favorably, he quickly encountered unruly and hostile crowds. The president's stump-speaking flair, which earned him great acclaim in Tennessee politics, backfired in the heated political atmosphere of the North. Rather than avoid contentious situations or ignore hecklers, Johnson confronted them head-on, and openly engaged in arguments and shouting matches. He continued to espouse his program, and similarly continued to portray Republicans as traitors bent on destroying the Union. Newspapers and cartoonists lambasted the president, while Radicals attacked both Johnson and his Democratic supporters as the true traitors to the Union.

Johnson found it ever-more-impossible to convince the northern public that the white conservatives of the South were now eager to support the Union. Major **race riots** in Memphis and New Orleans, coupled with Johnson's stubborn opposition to the Fourteenth Amendment, provided persuasive evidence that the president's program of restoration had failed. There was no sense of penitence from the defeated, no sign of concern for the freed slaves, and growing violence seemed even to contradict the executive's proclamations that peace has been restored. The Republicans swept the 1866 elections, winning a two-thirds majority in both houses of Congress, all northern gubernatorial contests, and control of every northern state's legislature. Johnson's bid for a new conservative coalition collapsed, and the president faced a Congress that was "veto-proof" in that more than two-thirds of both houses opposed his handling of Reconstruction policy. The Republicans believed they could force a recalcitrant South to accept a more extensive program of Reconstruction. Congress, not the president, now controlled the process. *See also* Abolition of Slavery; Amnesty Proclamations; Assassination of Abraham Lincoln; Bullock, Rufus B.; Confiscation Acts; Holden, William Woods; Humphreys, Benjamin Grubb; Impeachment of Andrew Johnson; Labor Systems; Military Reconstruction Acts; Parsons, Lewis E.; Recusants; Sharkey, William L.; U.S. Army and Reconstruction; Wells, James M.

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*John D. Fowler*

## Provisional Governors

At the end of the Civil War, to aid in reconstructing the Union, the president appointed provisional governors to organize new civilian governments in the defeated southern states. These governments would hold conventions to write new constitutions guaranteeing their state's republican forms of government, and prepare the state to resume its rights under the **U.S. Constitution**.

**Andrew Johnson** assumed the presidency after **Abraham Lincoln's assassination** in April 1865, when Congress was not in session. Instead of recalling Congress, he seized the initiative and declared his vision of Reconstruction in two proclamations issued on May 29, 1865. The first offered **amnesty** and the restoration of all property, except slaves, to those who had rebelled if they swore future allegiance to the United States. Some individuals needed to apply for special **pardons** if they fell into one of his fourteen excepted categories. The second proclamation named **William W. Holden** provisional governor of **North Carolina** and instructed him to organize an election for delegates to a state **constitutional convention**. All those who took the oath of allegiance, or received special pardons, and were qualified to vote in 1860 could participate in the election.

### *Who Were the Governors?*

In June and July 1865, Johnson issued similar proclamations for six other southern states, appointing provisional governors in **Mississippi (William L. Sharkey** on June 13), **Georgia (James Johnson** on June 17), **Texas (Andrew Jackson Hamilton** on June 17), **Alabama (Lewis Parsons** on June 21), **South Carolina (Benjamin F. Perry** on June 30), and **Florida (William Marvin** on July 13). Because he considered **Arkansas, Louisiana, Tennessee, and Virginia** restored by Lincoln's Reconstruction policies and wartime governors, Johnson allowed the existing governors to remain in power in those states.

The men Johnson appointed were a diverse group. Only two, Marvin and Hamilton, had actively supported the Union. The rest had at least opposed secession in 1861, although they had remained in the South, either sitting out the war or supporting it to some degree. Most, if not all, seemed capable of fulfilling Johnson's dream of building a new Union party composed of former southern Whigs and Democrats who had been either Unionists, or at worst, lukewarm Confederates, along with northern conservative Republicans and Democrats.

William Holden of North Carolina, Johnson's first appointee, was a problematic choice. Because he had changed political positions so many times, many viewed him as an opportunist. However, Holden, like President Johnson, believed that some resentment was based on Holden's background, growing up in poverty with the added stigma of illegitimacy. Holden had entered politics in 1836 as a Whig, later moved to the **Democratic Party**, and in 1858, after the Democrats refused to nominate him for governor or senator, he joined the Union Democracy. During the war, he signed the state's ordinance of secession, but then joined with the Conservatives. Drawing support from unconditional Unionists in western North Carolina, in 1864, Holden broke with the Conservatives to run as a peace candidate for governor, urging his state to sue for a separate peace.

A prominent Unionist Whig planter, William Sharkey, Johnson's second appointee, had served as chief justice of Mississippi's High Court of Errors since the 1820s. After his state seceded, he refused to support the southern war effort, retiring from Mississippi politics and, as early as 1863, working for restoration. Indeed, he had been jailed briefly during the war because he refused to sell goods to Confederates, but as a respected antebellum politician and judge, Sharkey's appointment relieved the fears of Mississippians, leading them to believe that they would be able to reenter the Union on their own terms with their property restored and old relations with their former slaves resumed. Further, at nearly seventy, Sharkey seemed more concerned about recouping his own wartime economic losses than reshaping Mississippi's political scene. He concentrated on restoring minimal state services and getting the convention to do whatever was necessary to rid the state of federal, and especially **black troops** and to regulate the newly freed black population.

In Georgia, there were few consistent Unionists except in urban centers like Savannah and among the yeoman class of northern Georgia. Many assumed Johnson would select Joshua Hill, the leader of Georgia's peace forces, but instead he chose a lesser-known friend who he had shared mess privileges with in Congress in the early 1850s. Provisional Governor James Johnson potentially was a good choice for unifying Unionists and conservative planters, having been a Whig Unionist who never supported secession and who had sat out the war without taking sides. He was a respected Columbus attorney, honest and fair, but as an obscure one-term congressman, Johnson lacked political experience and skill.

Andrew Jackson Hamilton of Texas was an Austin attorney who had briefly served in the state legislature. During the 1850s, he joined that faction of the Texas Democratic Party that opposed secession and won election from his western Texas district to Congress in 1858. He served until shortly after Texas seceded. Returning to Austin, he won election to the state senate, but had to flee in July 1862, when secessionist plots against his life were revealed. In November 1862, Lincoln appointed him brigadier general of Unionist volunteers and **military governor** of Texas. As such, he joined the unsuccessful federal expedition into South Texas in late 1863. After that failure, he spent most of the remainder of the war in federally occupied New Orleans, although he continued to put pressure on the federal army and navy to capture Galveston.

In Alabama, rather than select one of the state's upcountry Unionists, the president chose Lewis Parsons, a former Whig congressman from the hill county of Talladega. During the war, Parsons served in the state legislature as a peace advocate. As provisional governor, he sought to build a political base to promote economic development, especially **railroad** building and industrial development. He believed that to do so he needed to move beyond the small group of North Alabama Unionists who had been Democrats before the war and who made up less than 15 percent of the state's white population. Therefore, he sought to placate the conservative Whig planter class by promising to seek help in Washington for reduction in the cotton taxes, but he also lobbied for land and tax incentives for railroad construction.

In South Carolina, Benjamin Perry symbolized the state's obstinacy toward reconciliation. From the upcountry, he was a successful Greenville lawyer long opposed to the planter dominance of his state's politics. Before the war, he fought secession and refused to leave the Democratic Party after the South bolted from the presidential convention in 1860, supporting Stephen Douglas over John C. Breckenridge, but once his state seceded, he served as a judge in the state's Confederate courts. His first speech to his fellow South Carolinians after his appointment as provisional governor sounded like words from a disgruntled loser. He noted that he felt the same humiliation and degradation that others in the state felt about going back into the Union. He applauded Johnson's elevation to the presidency, speculating that Lincoln's death was the South's gain, as Johnson was more able.

William Marvin, Johnson's Florida provisional governor, was a native of New York who moved to Key West, Florida, when President Andrew Jackson appointed him district attorney in 1836. In 1839, he was appointed U.S. district judge for the district of Florida and became a leading expert in admiralty law. As such, he developed close relationships with merchants and insurance executives in New York. During the war, he retained his judgeship until 1863, operating behind Union lines. He then moved to New York until he returned to Florida after Johnson named him provisional governor. He had opposed secession and had run as a pro-Union candidate for the 1861 secession convention, but he also held racist views typical of southern whites. Support for his appointment as provisional governor came from New York businessmen as well as former Confederate slaveholders and moderate Unionists. Radical Unionists opposed him because of his conservative racial policies and willingness to work with secessionists.

### *Obstacles for the Governors*

On paper, the provisional governors had tremendous power. They were the president's men. As such, when they spoke, they were seen as speaking for the president. There were, however, limitations to their power. Most white southerners saw the provisional governors as instruments for relaying the president's requests and reminding them of their humiliating defeat. The provisional governors felt they had to use their **patronage** powers to conciliate the disgruntled rather than to build broad support for the new party the president envisioned. Most provisional governors, therefore, tried to woo the traditional



planter leadership class, albeit turning mainly to those who had at least originally opposed secession. When, for example, Holden refused to pardon some he considered unworthy, his actions were used as fuel against him in his bid for governor. When the provisional governors placed men in power who were not part of the traditional ruling groups, organized opposition undermined their positions.

The second limitation on the provisional governors' powers was the presence of federal troops throughout the South. President Johnson, in his proclamations appointing the provisional governors, had ordered the military to aid but not to interfere with the work of the provisional governors. Neither the president nor the War Department issued any explicit orders to the military commanders. Further, Congress had established the Freedmen's Bureau as a military organization to aid **African Americans** in their transition to freedom. As such, the military and bureau officials began to supervise labor **contracts** and refused to allow blacks to be tried in civil courts because their testimony was not allowed there.

The presence of federal troops, especially black troops, infuriated most southern whites. Sharkey took the lead among the provisional governors, to rid the state of northern interference as soon as possible. On August 19, only two months after his appointment, he began organizing local **militias**, essentially arming former Confederates, claiming that such action was necessary to maintain law and order and to rid the state of Negro troops, which, he told Johnson, were inflaming loyal citizens. The federal commander, Major General Henry W. Slocum, ordered Sharkey to stop his efforts, claiming that Union troops were capable of preserving the peace. Initially, Johnson agreed with his military general, but then, after receiving several letters from Sharkey, Johnson acquiesced despite the recommendations of **Carl Schurz**, a northern politician and general who Johnson had sent to the South to investigate. Schurz was in Mississippi at the time, and warned Johnson that Sharkey's militia was persecuting Unionists and freedpeople. Johnson ignored Schurz's warnings. After Sharkey's success, all the other governors organized militias and petitioned Johnson for the removal of black troops.

### ***Establishing Loyal Civil Governments***

Despite the limitations of their power, the provisional governors quickly went to work to establish civil governments, but each viewed his task differently. James Johnson believed that he only had the power to establish the rules by which the convention would be called; he had no power to appoint officials. He told his fellow Georgians that in the absence of civil government, redress would come from military authorities; Georgia would remain under martial law until the convention provided for a new constitution and new elections were held. He even believed that the military, not he, was in charge of administering amnesty oaths. However, after Georgians balked at his view, he decided to restore civil government by reinstating all Confederate officials who took the amnesty oath and to appoint civil ordinaries to help the military administer the oath to those desiring to take it. He did try to provide some leadership by warning Georgians that slavery was over. While preparing for

the convention, he did what was minimally necessary to keep the civil government going. With the state treasury bankrupt and the statehouse in ruins, he used the state's credit to pay for the delegates to attend the convention and to repair the statehouse and executive mansion. He also authorized contracts to rebuild railroad bridges and purchase rolling stock.

Similarly, in Florida, Marvin believed that the military was in control, and he worked closely with Commanding General J. G. Foster. When he arrived in Florida after his appointment, he told Floridians that he had been appointed to aid loyal citizens in organizing a government. Until then, military authorities would preserve the peace. The military commander would decide which local officials to retain. Marvin then told Floridians that slavery was dead. He campaigned throughout the state, explaining to the citizens that the convention would have to nullify secession, abolish slavery, and repudiate the Confederate war debt. Further, although it was not necessary to give blacks political rights, Florida must guarantee them **civil rights** and legal rights, including the right to testify in state courts.

By contrast, Holden assumed the Confederacy was dead and that he had full authority to create a new civil government. Declaring all offices vacant, Holden appointed some 4,000 men to offices ranging from state officials to local justices of the peace and town officials. He hoped that his actions would gain him the elective governorship, but in rewarding his political friends and punishing his longtime enemies, he selected many former secessionists. Loyal Unionists, with some justification, began to grumble that Holden was supporting secessionist Democrats over Whigs who had opposed the war before secession. Despite some discontent for his sometimes vindictive use of patronage, Holden did a good job of reestablishing the civil government. He fought to regain state property from federal control and to restore the state's financial well-being. He wrote to the president to try to stop the U.S. Treasury from seizing cotton and naval stores and shipping them north. He also received the president's permission to suspend collection of the federal tax on cotton, thereby allowing farmers to market their wartime cotton without paying the tax. Holden also regained control of the state's railroads from federal authorities.

Like Holden, Hamilton in Texas believed that Texas required a new spirit and a new ruling class. His strategy was to delay calling a state convention until early in 1866, when he hoped Texans would be less resentful of the Confederate defeat and more willing to recognize that the freed people had rights. He even suggested to President Johnson that he confiscate the property of a few of the leading rebels, but the president never responded to the suggestion. As for appointments, he tried to pursue a program of only appointing a small number of officeholders and to limit appointments to former Unionists. However, even though he appointed more wartime Unionists than others, he did select pro-Confederates in Texas's plantation counties rather than attempting to bring new men to political power.

Sharkey, Parsons, and Perry took a completely different path, allowing local Confederate officeholders to remain in their positions. Perry, with his political base in the upcountry, believed his actions would bring the low-country planter aristocracy into his camp. This policy proved more popular than that

pursued by Marvin, Hamilton, and Holden. Holden and Hamilton were both rejected by their electorates and later joined ultra-Unionists and freedmen to form state Republican parties, while Sharkey, Perry, and Parsons were chosen to serve in the U.S. Senate by the newly elected conservative state legislatures (although Republicans in Congress refused to seat them).

On August 22, 1865, after receiving numerous complaints that his governors were giving preference to secessionists over ultra-Unionists, Johnson telegraphed his provisional governors. Holden, Johnson, and Hamilton assured him that they were being careful to select original Union men, although their appointees might have supported the southern war effort for at least some period of time. Sharkey, however, argued that it would be unwise and rash to remove all secessionists from office since these were the experienced, recognized leaders of their communities, but he assured the president that for new appointments, he was selecting only those who had opposed secession. Perry, too, admitted the charges; he replied that there were not more than a dozen Union men in South Carolina and those who were loyalist had not sought office. However, Perry assured Johnson that most South Carolinians—and certainly his appointees—were now loyal.

### *The State Conventions*

The second task assigned to the provisional governors was to arrange for the election of delegates to state constitutional conventions and then to provide leadership so that Johnson's requirements for **readmission** could be fulfilled. To prepare for elections, the provisional governors had to arrange for men to take their loyalty oaths and to review applications for special pardon. Johnson had authorized his provisional governors to determine who would be pardoned, reasoning that they were more qualified to know the supplicants. However, in giving them this power, he provided no clear standards. Perry simply approved all applications. By contrast, in North Carolina, Holden used this power to try to ensure his election as governor, rewarding his friends and punishing his enemies. Governor Johnson in Georgia worked to get officials into the backcountry so all had the opportunity to take the oath, and he campaigned vigorously for delegates who supported **emancipation** and ratification of the **Thirteenth Amendment**. In Texas, Hamilton viewed pardoning as an important responsibility, diligently trying to recommend only those who he believed to be sincerely repentant. This included some leading Confederates, like John H. Reagan, former Confederate postmaster general. In recommending him for pardon, Hamilton told the president that he had shown true repentance and that his pardon would aid him in his work in Texas because Reagan could convince recalcitrant rebels that they needed to support the provisional governor. Thus, like many other governors, Hamilton recommended leading Confederates for pardons in an effort to either broaden their own political support or neutralize the opposition.

In the elections for delegates to the state conventions, only those who had taken the loyalty oath or who had received special pardons were supposed to be eligible to vote. Additionally, only these men were eligible for office, but few in the South paid much attention to the candidates' status. And, indeed,

Johnson issued pardons for elected delegates in North Carolina, South Carolina, Georgia, and Alabama after their provisional governors requested it. Perry even waited until ten days after the convention convened before he asked the president to pardon the twenty unpardoned South Carolinians who were serving as delegates. Only Hamilton, in Texas, banned persons who had not been pardoned from candidacy and from the convention.

After the conventions convened, the provisional governors were supposed to provide the leadership to ensure that their states complied with Johnson's requirements to prove renewed loyalty. Here again, however, Johnson provided little guidance. Either in conversations with his appointees or in telegrams, he had instructed them that the conventions had to abolish slavery and declare secession null and void. Because Mississippi was the first to hold a convention, Johnson telegraphed Sharkey with a new suggestion. He urged him to extend the **suffrage** to literate and property-holding blacks, thereby setting an example he hoped other states would copy and undercutting the efforts of the **Radical Republicans**. Nonetheless, neither Sharkey nor any of the other provisional governors, except Hamilton of Texas, showed any inclination to do more than grant slaves their freedom. Indeed, most worked to assure their white constituencies that emancipation did not imply any new rights for the freed people. Holden expressed his opposition to **black suffrage**. Marvin told blacks that emancipation did not imply either political or even civil equality. Sharkey not only ignored Johnson's suggestions for limited black suffrage, but insisted that this was a white man's government—and would remain so.

Emboldened by the provisional governors' appointments and lenient pardoning policies, delegates to all the state conventions—mainly former Whigs who had originally opposed secession—exhibited reluctance and stubborn pride. Mississippi, Georgia, and Florida refused to nullify their secession ordinances, repealing or rescinding them instead. Alabama only abolished slavery after receiving a strongly worded telegram from President Johnson; before, they simply wanted to pass a resolution acknowledging that slavery had been abolished by the military power of the United States. Georgia's delegates made it clear that in abolishing slavery they were merely acquiescing in an accomplished fact and they passed a resolution urging the government to compensate them for their losses. All conventions except Mississippi, which had not been instructed to do so, repudiated the Confederate war debt, but some with great reluctance, and only after considerable pressure by the president and the provisional governors.

After each of the states where Johnson had appointed provisional governors had held their constitutional conventions, rewritten their constitutions, and held elections under those new constitutions for state officers, including governors, the president relieved his provisional governors of their offices, turning the states over to the elective officials. Thus, he relieved Holden on December 4, 1865, Sharkey on December 14, Parsons on December 18, Johnson on December 19, Perry on December 21, Marvin on January 18, 1866, and Hamilton on August 9, 1866.

For Johnson and his governors, the task seemed complete and readmission—and hence Reconstruction—seemed all but accomplished. Across the North,

Republicans were not convinced, and thus began a struggle over the Reconstruction program, the status of the South, and the future of the nation itself. *See also* Abolitionists; Agriculture; Annual Messages of the President; Black Codes; Bureau of Refugees, Freedmen, and Abandoned Lands; Congressional Reconstruction; Elections of 1866; Fourteenth Amendment; House Judiciary Committee; Joint Committee on Reconstruction; Labor Systems; National Union Movement; Republicans, Moderate.

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# R

## Race Riots

Race riots provide the most visible and dramatic examples of southern attempts to deny the Civil War's results, by limiting **emancipation's** effects. These confrontations stand apart from the rest of the South's seemingly ubiquitous Reconstruction-era **violence**; unlike instances of harassment, intimidation, and even outright terrorism, riots were unique because blacks resisted atrocities forcefully. The best-known street battles occurred in 1866 in Memphis, **Tennessee** and New Orleans, **Louisiana**. Many more, however, took place in **Alabama**, **Georgia**, **Mississippi**, **South Carolina**, and **Virginia**.

Reconstruction-era riots remain among the most violent and vicious in American history. They built solidly, however, on antebellum and Civil War precedents. They even recalled Atlantic antecedents—especially in the white southern mind. Indeed, every plantation owner knew of the 1794 successful African slave uprising in French Haiti that led to bitter racial warfare. The black victory there terrified Dixie's bravest leaders.

During the early nineteenth century, most American race riots took place in the northern states. A minority of them were started by free **African Americans**. In 1801, nearly 250 New York blacks attacked the property of a French West Indian émigré. She planned to transport her slaves out of the city because their legal status had come into question. Many of the arrested rioters had French names, suggesting their own recent arrival from the Caribbean. In an 1804 Philadelphia riot, blacks taunted whites by threatening to recreate Haitian conditions. Far more numerous before 1861, however, were white mobs assaulting blacks. During the 1830s, the **abolitionist** movement gained strength. Economic pressures also factored in, as an increasing number of whites began to fear workplace competition with former slaves. Large-scale

attacks on free African American communities became frequent and persisted through the Civil War and beyond.

Civil War race riots occurred over jobs and ethnic rivalries, but the North's first military conscription gave whites their most convenient excuse to attack blacks. Draft riots brought a new level of violence against persons, whereas earlier Jacksonian-era mobbings had primarily targeted property. Disorders sweeping New York City in July 1863 were so massive and bloody that they have been likened to the 1871 Paris uprising that created the short-lived Commune government.

Reconstruction-era racial rioting took place in a charged atmosphere: Blacks held great expectations, whereas nightmarish hysteria afflicted southern whites. At least three types of disturbances can be discerned.

First, in a few cases, blacks initiated ill-advised aggression. In South Carolina, newly emancipated African Americans beat whites in Charleston (1866) and at Hunnicut's Crossing (1867). Other raids occurred near Columbia, Tennessee (1868), Shady Grove, Louisiana (1868), and Cross Plains, Alabama (1870). Generally, heavily armed veteran whites responded with enormous overkill.

A second type of Reconstruction-era race riot can be termed urban popular disorder. Two, in Memphis and New Orleans in 1866, had a major impact on the period's politics. They convinced the northern public that President **Andrew Johnson's** overly lenient treatment of defeated Confederates was squandering Union army battlefield sacrifices. In both cities, local whites became enraged at African American attempts to exercise social and political equality. Prominent Memphis natives found the presence of blacks among the **U.S. Army's** occupation forces an intolerable affront. May 1, 1866, was the day after the area's last African American troops were mustered out of service. Local police attacked them and received fire in return. The military commander, General George Stoneman allowed retreating black veterans to take refuge in nearby Fort Pickering. He then disarmed them and refused to allow them to leave, seeking to placate the city's civilian leaders. Outside, white mobs spent the next forty hours beating, raping, and murdering all blacks wearing Union blue or known to have army ties. At least forty-eight died, including two whites. In New Orleans, the African Americans' unforgivable sin was trying to secure voting rights. There, at the Mechanics' Institute, Unionists and Republicans reconvened the Louisiana state **constitutional convention**, seeking to enfranchise blacks and thereby strengthen their political control. Outside, supporters paraded noisily. New Orleans whites, led by the police force, attacked the marchers, who then sought cover inside, among the conventioners. Thereupon, the lawmen surrounded the building, encouraged surrender, and then slaughtered their disarmed foes. Between forty and fifty blacks died, as well as three white Unionists. New Orleans experienced subsequent similar riots in 1868, 1873, 1874, and 1877. The status of blacks and control of the state government remained the chief issues.

Although events in Memphis and New Orleans attracted national attention, many more battles occurred in small southern towns; these altercations constitute a third type of Reconstruction-era race riot. Outside the large cities,

emancipation created divided communities, ready to explode upon some trivial pretext. In virtually every location, elementary black organizations prompted white outrage and massive retaliation.

The rural South's poverty, illiteracy, and absence of cultural institutions left its white residents totally unprepared for revolutionary change. That slavery had been destroyed by outside military force, instead of internal reform, almost certainly stiffened resistance to the new order. Residents had theretofore known only white supremacy, and most country folk sought its return. The existence of isolated enlightened exceptions did not change the general picture.

The full extent of nonurban racial altercations may never be known. The terror was so extreme and so successful that many incidents went unreported. Blacks, new to freedom, found themselves at great disadvantage virtually everywhere. Congressional and state investigations uncovered many atrocities, yet with each year after the late 1860s, northern resolve to reconstruct the region diminished. Experts disagree on the era's total number of race riots. No fewer than seventy-two took place. Historian Paul A. Gilje has counted 375 between 1865 and 1876, but suspects that still more occurred.

The most prominent rural riots occurred in Camilla, Georgia (1868), Opelousas, Louisiana (1868), Meridian, Mississippi (1871), and Colfax, Louisiana (1873). The Camilla affair began with blacks conducting an election rally. It concluded with a desperate flight to a nearby forest, where whites hunted down and murdered between eight and twelve local freedmen. Opelousas started as a pitched battle, and included capture and execution of about thirty African Americans. It ended with the subsequent random slaughter of nearly 200 more. In Meridian, white Democrats staged a coup d'état that drove Republicans from office, killing thirty blacks. Colfax also concerned political power. White Democrats focused their anger on white Republicans who depended on African American votes. Blacks carrying shotguns gathered to protect legal government, but faced 150 whites armed with rifles and cannons. The whites' weapons had greater range and the blacks took shelter in a stable. Their opponents quickly set the building ablaze and shot down those who attempted to escape. The army later counted 105 dead blacks and three slain whites. Similar one-sided battles occurred in Hamburg and Ellenton, South Carolina, during the controversial **election of 1876**.

The death toll from Reconstruction racial rioting stretched into the thousands, with additional victims raped, beaten, and robbed. Destruction of the property of individual African Americans was often total. For nearly ninety years after 1877, white southerners justified even the most sadistic atrocities as vital to preserving their civilization. Hardly any Dixie whites seemed to question whether a racist culture was worth saving. *See also* Black Troops (U.S.C.T.) in the Occupied South; Disfranchisement; Enforcement Acts; Fifteenth Amendment; Gun Clubs; Ku Klux Klan; Lost Cause; Militias; Redemption; Red Shirts.

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**Radical Republicans.** See Republicans, Radical.

## Railroads

Railroads played an integral role in the Reconstruction era because of their impact on the American market economy.

### *Transcontinental Success*

After the admittance of California as a state in 1850, businessmen, military leaders, farmers, religious groups, and politicians all began dreaming of connecting the East and West. The motivation to control space and time was so great that not even the coming of the Civil War dramatically delayed progress. Industrialists began laying the Central Pacific track in 1863 and the Union Pacific track in 1865. American entrepreneurs planned to extend the Central Pacific across the Sierra Nevada mountain range of eastern California, and the Union Pacific tracks to the Rocky Mountains. Railroading soon became an efficient mode of transportation that employed thousands of "Coolies" (low-wage Chinese workers), European immigrants, and even Civil War veterans. Both railway lines plowed through barren countryside, rugged terrains, and unsettled weather conditions. By late 1868, the Central Pacific and Union Pacific lines were in competition to build the most tracks in the shortest possible time. The two channels eventually met in the Promontory Mountains of northern Utah on May 10, 1869. The Central Pacific and Union Pacific tracks were the first American railroads that spanned such great length, making the western United States much more accessible, and much more important economically and politically. America now became a fully industrialized nation with speedy (for the time), reliable, coast-to-coast transport. An effective railway system would help make the United States a global power that could convey its own goods and passengers quickly.

### *Through Bills*

The through bills of lading were a novel organizational structure that made interstate cooperation possible. Large corporations, such as the Raleigh and Augusta Air Line, the Seaward Inland Air Line, and the Green Line relied heavily on through bills. Carts marked with a company name or logo were classified for shipment on through bills. The primary function that through bills served was to eliminate long conveyance routes that railroaders were obliged to use during the Civil War. Time-consuming routes were not only impediments for timely delivery, but extremely costly. Transport companies started shipping their own products in large quantities from depot to depot—without stops—ensuring that every load was delivered timely and not stolen. Private bills of lading were issued between stations in order to determine the most timely and economical path. Rates were typically expensive, and materials were always marked to ward against dangerous terrains. Government and private businesses employed through bills for every sort of marketable good. The master of a vessel or train agents guaranteed that a product would always reach its destination as scheduled.

Oddly, the through bill mechanism lasted just over one year. The Southern Transportation Company operated railcars specially designed for high-priced goods over a series of lines. Railroad and steamship businesses charged a yearly fee, with the secured delivery of goods guided by a trained attendant. Transport companies also provided luxury cars for passengers traveling to distant cities. Serving commercial and private customers provided the American market economy with a convenient mode of travel that satisfied two consumer groups simultaneously. Such a resourceful industry proved that America was able to reconstruct and integrate its economy, necessary for the developing modern nation.

### *Railroads and State Authority*

A modern railroad system made the national American market economy possible. Many budding southern capitalists recognized the profit opportunities and economic benefits of interregional trade and transport. During Reconstruction, associations between southern and northern states worked to create long-distance lines, but most would only tie the Upper and Deep South, such as Norfolk to Augusta (Seaboard Inland Air Line) and Richmond to Atlanta (Atlanta and Richmond Air Line). The region and party seemed to matter little; northern and southern governments, Republicans and Democrats, fought to control lucrative railway lines that had the potential of generating great income for state governments.

Complaints were numerous. Many argued that lines passing through **New South** towns of Richmond, Danville, Greensboro, Charlotte, and Atlanta were merely a way of maintaining cheap labor practices in traditionally poor geographic areas. Others countered, arguing that typically poor districts desperately needed such labor despite how low they were paid. In some southern states, conservatives opposed federally funded railway improvements, as the idea contradicted state authority. Former slave owner and Confederate president **Jefferson Davis** and a gaggle of other former plantation owners argued

that a federally financed railroad like the interstate rail line from Richmond to **Georgia** would undermine state authority over a feature that traversed state territory.

For the postwar South, a refurbished railway system assisted in the dispersal of staple America goods like cotton and tobacco, lessening the possibility of foreign goods weakening the domestic economy. Simply put, the American market and economy grew because Americans purchased native-made goods at relatively low prices, since the railroad system made those products much more accessible and affordable. Railroads therefore helped strengthen the notion of Americana because Americans were more likely to buy products made by members of their own nation. Purchasing American-manufactured goods also raised the expendable capital of Americans while generating more tax dollars for the two levels of government.

### *Effects on the American South*

The Civil War devastated the economies of the southern states. The hardship caused by the Union Navy's blockade, and the destruction wrought by federal armies in the field, are obvious and well understood, but the South also suffered from more subtle damages, such as when Union forces blocked important railway routes that transported goods from state to state. Other factors that led to economic collapse were the bankruptcy of prominent financiers, and the huge debts incurred by state-run institutions. These debts increased after the war, as new governments sought to rebuild the infrastructure without any solid financial footing. Even President **Andrew Johnson's** recalcitrance on **African American** rights had its impact, as newly emancipated slaves fled north for more prosperous employment.

In part, rebuilding the American South involved establishing a unified area that allowed entrepreneurs to exploit a market based on raw materials and low-wage workers manufacturing tobacco and cotton. In 1870, Herman Haupt, who oversaw the army's railroad program during the war, supervised the U.S. Military Railroad's improvement project that linked Norfolk, **Virginia**, and the Carolinas. Congress assigned A. B. Andrews and Moncure Robinson directors of the corporate railroad along the southeastern seaboard. A major component of Andrews and Moncure's work was to complete the corridor for **Thomas Scott's** Atlanta and Richmond Air Line Company. Corporate Reconstruction affected the South's market and economy in positive and negative ways; overall production and job opportunity grew, but independent financiers suffered declining profits. In a way, the coming of market forces and the railroad economy to the South was merely a reflection of what had already happened in the rest of the country, years before. *See also* Agriculture; Bull-ock, Rufus B.; Carpetbaggers; Gould, Jay; Labor Systems; Panic of 1873; Scal-awags; Scandals; Southern Homestead Act; Stalwarts.

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### **Rainey, Joseph Hayne (1832–1887)**

In 1870, Joseph Hayne Rainey became the first **African American** to serve in the U.S. House of Representatives, an accomplishment not surprising considering his background. Although born a slave in Georgetown, **South Carolina**, on June 21, 1832, when Rainey was a young child, his father purchased the family's freedom and moved them to Charleston. Rainey followed his father into the barbering trade by age fourteen, and worked at the prestigious Mills House Hotel. At some point in the late 1850s, he moved to Philadelphia, where he married a woman named Susan (her last name is unknown) in 1859. The couple moved back to Charleston, risking arrest since free African Americans were not permitted to return to the state having once left.

When the Civil War broke out, Rainey served as a steward on a blockade runner, but in 1862, he was conscripted to work on the fortifications protecting Charleston from Union attack. Rather than accept this brutal assignment, Rainey and his family escaped to Bermuda, where he took up his former trade as a barber. In Hamilton, Bermuda, Rainey began to educate himself and to be active in a fraternal lodge, experiences that prepared him well for political life during Reconstruction. After yellow fever slowed the economy in Bermuda in 1865, Rainey returned to Charleston.

In postwar (and postemancipation) Charleston, Rainey was able to reestablish old ties and participated in the Colored People's Convention there. By early 1867, Rainey felt he might have greater opportunities in his hometown, so he moved back to Georgetown to work as a merchant. He was elected as a delegate to the 1868 **Constitutional Convention** and was subsequently elected as a Republican to the state senate from Georgetown, where he served as chair of the Finance Committee. In state politics, Rainey was a conservative Republican, proposing unsuccessfully that the constitution include provisions for a **poll tax** to support **education**, and for honoring prewar debts from slave purchases. He was not entirely conservative, however, attending the 1869 State Labor Convention and working on the South Carolina Land Commission.

Rainey was elected in 1870 to fill the unexpired term of B. F. Whittemore in the U.S. House of Representatives. He served from December 1870 to March 1879. To some he seemed fair and objective, yet to others hypocritical and wavering: While he supported ending political liabilities on former Confederates, he also pushed for legislation making African Americans safe in the South and ending discrimination. When the **Ku Klux Klan Act** (the 1871 **Enforcement Act**) was debated in Congress, he told stories of atrocities in South Carolina. When **Charles Sumner's Civil Rights Act of 1875** was on the floor, Rainey recounted instances when he, a sitting member of Congress,

had been refused service. Coming from a district with a heavily African American population, Rainey was able to hold onto his House seat longer than many of his Republican colleagues. Even in the **election of 1876**, he was voted back in and withstood a challenge to his election. By 1878, though, Republicans in South Carolina could not muster enough strength to contest even the stronghold of the First District, and Rainey left office in 1879, spending the next two years as an Internal Revenue Service agent in South Carolina. He tried a brokerage business in Washington, D.C., for a few years, but retired to Georgetown in 1886. Joseph Rainey died on August 2, 1887. *See also* Black Politicians; Compromise of 1877; Congressional Reconstruction; Military Reconstruction Acts; Redemption; Violence.

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Bruce E. Baker

### Rapier, James Thomas (1837–1883)

Politician and civic leader, James Thomas Rapier was born in Florence, **Alabama**, on November 13, 1837, into the free black family of John H. Rapier and his wife Susan. One of four sons, James helped on the family farm and spent time at his father's successful barbershop. As an adolescent, James attended a private school for free blacks in Nashville, **Tennessee**, then moved to Buxton, Canada, home of a large utopian community comprised primarily of **African Americans**. Rapier lived with an aunt and uncle and attended school at Buxton as well as in nearby Toronto until 1864, when he left Canada and returned to Nashville.

In Nashville, Rapier worked briefly as a reporter for a northern newspaper, then in spring 1865, he moved to Maury County, Tennessee, rented roughly 200 acres of land, and began employing tenants to farm cotton.

In Tennessee, Rapier soon became involved in Republican politics, serving as keynote speaker at the Tennessee Negro Suffrage Convention in 1865. He returned to Florence, Alabama, the following year where he operated a successful cotton farm. In 1867, he served as a delegate to Alabama's first state Republican convention as well as delegate to the state **constitutional convention**. At the latter convention, Rapier promoted **suffrage** and citizenship rights for African Americans and moderate citizenship terms for former Confederates. He campaigned for the presidential election of **Ulysses S. Grant** in the **election of 1868**, and ran for secretary of state of Alabama in 1870, a position he lost to a Democratic opponent.

Undaunted, Rapier continued his political activism. He founded the *Republican Sentinel* in 1872, the same year he won election as U.S. representative to the 43rd Congress (1873–1875). In Congress, he helped pass the **Civil Rights Act of 1875** and promoted various economic, political, and educational initiatives to help African Americans in the South. Rapier ran for reelection in 1874 and again in 1876, but met defeat both times. In 1878, he

founded another newspaper, the *Republican Sentinel and Haynesville Times*, through which he continued to promote racial equality and the Republican Party. Rapier served as a delegate to the 1880 Republican National Convention in Chicago where his candidate, **John Sherman**, lost the nomination to Benjamin Harrison.

Throughout the postwar years, Rapier prospered as a cotton farmer, becoming one of the wealthiest African Americans in the state of Alabama. A prominent civic figure, he served as director of the **Freedman's Savings and Trust Company** in Montgomery and played an active role in the National Negro Labor Union, founding the first state chapter of the national organization in Alabama in 1871. Rapier received a powerful **patronage** position in 1878 when appointed collector of internal revenue for the Second District of Alabama. Although he had earlier shunned emigration as a solution to racial prejudice in Alabama, by the late 1870s and 1880s, he actively lobbied for a mass migration to Kansas, although he remained in Alabama until the end of his life. Never married, he died of pulmonary tuberculosis in Montgomery on May 31, 1883. *See also* Agriculture; Black Politicians; Black Suffrage; Bureau of Refugees, Freedmen, and Abandoned Lands; Carpetbaggers; Civil Rights; Education; Lindsay, Robert B.; Parsons, Lewis E.; Scalawags.

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*Kimberly R. Kellison*

## Readmission

Fraught with complicated and often contradictory definitions, “readmission” was meant to denote the process and product of formally allowing the former Confederate states to assume their status among the other states of the Union. This status meant having representatives in Congress, being a regular part of the federal economic, fiscal, and military bureaucracies, and enjoying all the rights and privileges of the other states. This was no easy task to complete for the South, or even to define for the North. After all, many Republicans fully believed that secession was impossible, putting the idea of readmission into a peculiar light; if states were never *out* of the Union, why did they need to be admitted back in? Still, the victorious North did agree that, in some indefinable and intangible way, the southern states were out of their normal relationship with the federal government and the remaining Union states. Secession, the creation of the Confederacy, and four years of war demonstrated the misalignment. Readmission first began with an attempt to understand in what way states needed to be standardized, and then how that would be engineered into a political process.

## *Wartime Reconstruction*

Even while the war was still being fought, readmission sparked conflict. Congress and President **Abraham Lincoln** disagreed about whether, and under what conditions, Confederate states would be readmitted to the Union.

For Lincoln, who denied that secession had ever occurred, it was really individuals who had committed treason (not states) and it was the executive's responsibility to set things right. The matter should be simple; merely locate and support loyal persons to take control of the government. As early as 1862, with his detailing of **military governors**, and later in 1863, with his **Amnesty Proclamation**, Lincoln called for a rapid, rather conservative program that represented far more carrot than stick. Indeed, historians can track the rise of the **Radical Republicans** not solely for their advocacy of a total war approach to the Confederacy, but also by their opposition to the leniency in Lincoln's plan. So painless and simple was Lincoln's plan that even before the war's end, he concluded that in at least four states—**Tennessee, Louisiana, Arkansas, and Virginia**—the population had demonstrated its loyalty and was ready for readmission to the Union.

### *Differing Policies of Johnson and the Republicans*

Congressional Republicans were not so generous, and demanded a much more significant show of loyalty, as expressed in their **Wade-Davis bill** of 1864. Neither interpretation gained the upper hand, and Lincoln's states remained in limbo through his untimely death in April 1865. His successor, **Andrew Johnson**, had actually been involved directly with the readmission process, having served as military governor of Tennessee under Lincoln's program. Like Abraham Lincoln before him, Johnson believed that secession was an impossibility. Hence, readmission was only a matter of reorganizing loyal state governments. Radical Republicans in Congress regarded this position as an absurdity—Who had the North been fighting for four years if not a distinct community that placed itself outside the pale of U.S. law? This seemingly arcane institutional disagreement assumed profound dimensions when it became clear that congressional Republicans and President Johnson possessed sharply differing visions of how the postwar South should function. Johnson envisioned governments of loyal southern whites only; black southerners played little role in his plan. Most congressional Republicans identified the prewar southern political and social order as the main cause of the war and would not accept any government that restored power to prewar elites.

With Congress out of session at the war's conclusion, President Johnson set the terms for readmission first. Under Johnson's plan, southerners had merely to acknowledge **emancipation**, repudiate secession, and void any state debt accrued in service to the Confederacy. These elements had already been accomplished by northern victory in the war, so affirming them changed nothing for the South. The state elections held in the fall of 1865 under this soft reconstruction brought to southern state legislatures mostly prewar Whigs, some avowed Unionists during the war, but many not. Winners in the Upper South had strong claims to being true southern Unionists. In the Deep South, some had been opponents of secession, but almost all were former Confederates and many were members of the prewar elite. Since these state governments had satisfied Johnson's requirements, they were recognized by the executive branch, and their members assumed that they would soon be restored to full rights under the **U.S. Constitution**.

The problems with Johnson's plan began to emerge immediately. During the **constitutional conventions** convened in fall 1865, southern leaders showed strong reluctance to sanction even the mild measures proposed by Johnson. Angry speeches and days of debate over disavowing slavery, secession, and the Confederate debt alienated many in the North who had initially supported a quick return to the Union of the southern states. More problematic still was the behavior of these new state governments once they were organized. They proved hostile to blacks, loyal whites, and northerners. In **South Carolina, Mississippi, Florida**, and elsewhere, **Black Codes** were established, state laws that dramatically circumscribed the content of freedom for **African Americans** and their families. Northerners following events in the South saw the Black Codes as an egregious attempt to maintain racial slavery by another name. In an early indication that the terms of admission set by Johnson were not high enough to satisfy Republicans, Congress refused to seat the national representatives sent by these governments to Washington.

### *Congress Sets Its Conditions*

By early 1866, sentiment was building in Republican ranks to seek control of Reconstruction, dismantle the Johnson governments, and specify new requirements before readmitting the southern states. Realization was setting in, that any change desired in the South had to come via Congress—not the president or the South itself. Once readmitted, states would fall back into the normal order and would be beyond any special ability or power of Congress, such as existed at the war's end. The strange state of the former Confederacy provided an opportunity to chastise the slaveholding elite, transform the southern economy, mold the place of blacks in America, and even create a new southern Republican Party. Once readmitted, such opportunities were lost.

In Washington, the split between the administration and congressional Republicans widened after the presidential vetoes of the **Freedmen's Bureau bills** and the **Civil Rights Act**, but these issues were not directly linked to readmission; the passage of the **Fourteenth Amendment** was. In many ways, the Fourteenth Amendment summed up the compromise position of the Radical Republicans and their more Moderate colleagues. Congress presented the amendment to the states for ratification, and the insinuation seemed that ratification could bring readmission, but for Johnson and his Reconstruction governments, the price was too high. His opposition to the Fourteenth Amendment drove another wedge between the branches of government, while cementing relations between the Moderate and Radical Republicans. That same summer of 1866 saw two **race riots**—in Memphis and New Orleans—where whites viciously attacked the African American communities of each city. The riots weakened the resolve of the few northerners who still thought the South would deal fairly with the freedmen. Adding to the complications, Johnson threw himself into a political fight with congressional Republicans that only exacerbated the policy disputes between the two branches. Southerners recognized that they could block final ratification of the Fourteenth Amendment if they withheld their approval. Tennessee was



the only state to break ranks, owing mostly to the efforts of its leadership to embarrass Johnson. As a result of that state's ratification, Congress readmitted Tennessee, making it the only former Confederate state to avoid **Congressional Reconstruction** under the **Military Reconstruction Acts**. As state after state rejected the amendment, it became less clear what the next step would be, and whether Republicans would back down—or react aggressively and expand their demands for readmission.

The national **elections of 1866** gave Republicans the numbers and confidence to assume command of Reconstruction. In doing so, they immediately set about replacing the state governments created under Johnson's rule and creating new conditions for the readmission of southern states. The Military Reconstruction Acts, passed in early 1867 over Johnson's veto, organized the states into five military districts and created steps for creating new southern state governments that would be acceptable to Congress. Paramount among the new conditions were new state constitutions that included **black suffrage** and ratification of the Fourteenth Amendment. The process for replacing the existing Johnsonian-state governments was initiated under the military rule soon established. The process of writing new state constitutions, ratifying those constitutions, and holding new elections took several years, and political conflicts between Radical and Moderate Republicans and between Republicans and Democrats continued to roil the waters. In the southern states and in Washington, legal arguments, personality conflicts, party infighting, corruption, and even **violence** added to the confusion—and to the time it took for a state to be readmitted.

As mentioned above, Tennessee was readmitted first, in 1866, without undergoing Congressional (or “radical”) Reconstruction. The states of **North Carolina**, Arkansas, **Alabama**, South Carolina, Florida, and Louisiana were admitted jointly under the Omnibus bill of June 1868. With problems still occurring in the remaining states, in April 1869, Congress passed legislation setting forth even more criteria for readmission. Those states remaining out of the Union would still need to fulfill all obligations of the Reconstruction Acts, with additional requirements: They had to ratify the **Fifteenth Amendment**, and alter their constitutions to forever bar any future restrictions on the right to vote, or abridging access to **education**. Under these conditions, in 1870, the last four states regained their place in Congress: Virginia in January, Mississippi in February, **Texas** in March, and **Georgia**, the last, in July.

Following readmission by Congress, states had their full rights restored. The military districts established under the Reconstruction Acts were disbanded, federal military forces were removed, national representatives were seated in Congress, and civilian rule was once again established. *See also* Pardons; Presidential Reconstruction; U.S. Army and Reconstruction. Also consult directly the entries for the eleven states of the former Confederacy.

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## Recusants

Following the **impeachment** of President **Andrew Johnson** by the U.S. House of Representatives on February 24, 1868, the Senate convened as a high court to decide the president's guilt or innocence. In order to convict—and thereby remove—the executive of the nation, two-thirds of the senators needed to vote guilty. When the votes were taken, first on May 16 and then again on May 30, seven Republicans went against their party and voted with the Democrats to acquit the president. These seven are known as the “recusant senators,” or simply the “recusants.”

### *The Trial of Andrew Johnson*

For nearly three years, the Republican-controlled Congress had struggled with President Johnson over Reconstruction policy. After allowing the president some latitude, and seeing that the president's program jeopardized much of what the war might have accomplished, **Radical Republicans** assumed control of Reconstruction. The **elections of 1866** and the passage of the **Military Reconstruction Acts** in 1867 put the Republicans in a position to reshape the South (and even the nation at large), but the president still retained his position, and with it various methods of obstructing **Congressional Reconstruction**. The punching and counterpunching finally came to a head in the winter of 1867–1868, when, according to Congress, the president blatantly defied Congress and the law, and fired his secretary of war, **Edwin M. Stanton**.

A few weeks later, on February 24, the House voted 128–47 to impeach the president—even though as yet no formal charges existed. The House then drew up eleven formal “articles of impeachment” to serve as the charges, and delivered these to seven **impeachment managers** who would serve as prosecutors, and the team chosen by President Johnson to serve as his defense counsel.

The Senate trial opened on March 30, and the president greeted it with confidence. He believed the central argument of the articles—that he had broken the law by removing Stanton in defiance of the **Tenure of Office Act**—was weak, and he was right. Many questioned the constitutionality of the law (even Stanton himself) and many believed it did not even apply in this case. Johnson was also confident because the numbers worked in his favor. A two-thirds majority was required for conviction, so the Johnson team needed nineteen “not guilty” votes. There were twelve Democrats (or very conservative Republicans) on whom the president could count for a not-guilty vote. Thus, he needed only seven of the remaining forty-two other senators to vote not guilty as well.

After several postponements, the Senate voted for the first time on May 16. Each article would receive its own vote, so Republicans opted to open with Article XI, which charged the president with obstructing Congress. Knowing the tenure law was dubious, Radicals sensed more support for this general, catch-all approach. Chief Justice **Salmon P. Chase** proceeded in alphabetical order, and senators and the crowds in the galleries held their breath with each passing name. Especially tense were the senators with moderate tendencies,

who would certainly serve as the swing voters in the most important trial in American history. When Justice Chase asked “How say ye?” to **Edmund G. Ross** of Kansas, there was dead silence: most of the senators to follow were already decided, so Ross was the last unknown vote. He voted not guilty, after which Chase proceeded to call the rest. The vote was 35 guilty to 19 not guilty; seven Republicans had joined the Democrats to save the president.

Almost immediately, the term “recusant” appeared to label the seven: **William Pitt Fessenden** of Maine, **James W. Grimes** of Iowa, Joseph S. Fowler (1820–1902) of **Tennessee**, **Lyman Trumbull** of Illinois, Edmund G. Ross of Kansas, John B. Henderson (1826–1913) of Missouri, and Peter Van Winkle (1808–1872) of **West Virginia**. “Recusant” referred to those Catholics who refused to attend formal Anglican (Church of England) services in England during the seventeenth and eighteenth centuries; in the United States of 1868, with its heavily Protestant culture deeply distrustful—even hostile—to Catholics, the epithet stuck.

### *Explanations for the Voting*

With the vote failing to convict by the slimmest of margins—one vote—the Senate adjourned to provide time to regroup, and possibly to convince these recusants to vote the proper way. Two weeks later, on May 30, the Senate reconvened as a high court of impeachment, and took up Article II, which charged the president with violating the Tenure of Office Act. The vote was exactly the same, to the person: 35–19. With the most general article having failed, and now the most specific article also being voted down, Republican senators held out little hope for the other articles, which offered vague charges of “conspiracy.” The Senate adjourned the court, the trial was over, and the president remained.

However, so too did the controversy. Impeachment managers immediately charged the recusants—in particular Ross—with receiving bribes for their votes. The Radicals needed a scapegoat, an explanation for the recusants’ behavior, who they saw as traitors to their party, and to the Republic in general. Investigations into bank accounts and personal finances yielded nothing, although many recusants—including Ross—did benefit significantly from the president’s **patronage** during his remaining months in office.

Many different reasons explain why these seven voted as they did. First, one needs to understand that Ross’s vote was probably not as critical as history paints it; his later writings played up his vote, and there is evidence that if he had voted guilty, there were Republican senators who might have voted not guilty later on in the count. History makes much of the fact that there was no vice president at the time; removing Johnson would put president pro tem of the Senate **Benjamin Wade** in the executive chair, a Radical who was disliked and distrusted on both sides of the aisle. Other theories point to Johnson suddenly being able to compromise. During the trial, he stopped his public ridicule of Congress, supported the **readmission** of **South Carolina** and **Arkansas** under congressional terms, and followed the tenure law to the letter in nominating a new secretary of war, **John M. Schofield**. Other forces also worked in the president’s favor, such as a chief justice who kept the trial

from devolving into a Radical kangaroo court, and a superb defense counsel featuring two former attorneys general (**Reverdy Johnson** and Henry Stanbery) and a former U.S. **Supreme Court** justice (Benjamin R. Curtis).

Six of the seven recusants actually submitted opinions, not unlike a judge in a court case. Some general explanations can be gleaned from these filings. Certainly, the charges worked against conviction: The tenure act was dubious at best, and many of the seven either did not believe a law had been broken, or did not believe the charges measured anything really impeachable. So, for those approaching the trial as strictly a legal affair, the prosecution had weak grounds and presented a weak case. For those seeing the trial through a more political lens, there too the president had an advantage. After all, Congress was already veto proof, and Johnson's authority was minimal at best. Several of the seven, William Pitt Fessenden most prominently, openly warned that removing a president was so dangerous, so unprecedented, that it would permanently alter the checks and balances set forth in the **U.S. Constitution**. With Congress in control of Reconstruction, with the president certainly a lame duck in every way but name, these moderates saw more harm than good coming from such an unprecedented move. Whereas Radical Republicans saw Johnson as a threat to Reconstruction, some of the seven saw his removal as a threat to the Republic.

### *Heroes or Martyrs: After the Trial*

Tales abound regarding the fate and later careers of the seven "traitors," some of whom were called "martyrs" because their stand allegedly cost them their careers. Indeed, none of the seven were reelected to the Senate, but many reasons might account for this. For instance, Fessenden, Grimes, and Van Winkle all died before their terms expired; some argue their age and status gave them "nothing to lose," so they voted their conscience willingly. For others, it may be a case of "chicken versus the egg": One can argue that their votes ruined their political careers, or, one can say that they voted the way they did because they were exasperated with Congress and frustrated with the Republican agenda. If the latter is the case, their leaving politics makes perfect sense. The most famous, Ross, left the Senate in 1871, moved into the **Liberal Republican** Party, and eventually became a Democrat. He did not return to Washington, but instead went back into the newspaper business, moved to New Mexico, and became territorial governor under President Grover Cleveland. Fowler and Henderson never ran again for the Senate; Fowler moved permanently to Washington, D.C., where he operated a law practice until his death in 1902. Henderson became a U.S. attorney and author. Trumbull served in the Senate until 1873, by which time he had moved past his frustration with Republican president **Ulysses S. Grant**, worked with the Liberal Republicans, and finally retired from politics and returned to law. *See also* Black, Jeremiah Sullivan; Democratic National Convention; Democratic Party; Presidential Reconstruction; Republicans, Moderate.

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*Richard Zuczek*

## Redemption

Redemption was the name given by conservative white southerners to their crusade against the Republican Party in the South. Those engaged in this struggle were the Redeemers. In selecting the Christian term "Redemption," the Redeemers equated the political restoration of the southern **Democratic Party** with the saving of an errant soul headed toward damnation.

The Redeemers' crusade began in response to the enactment of the Reconstruction Acts in 1867. This legislation marked the beginning of Congressional or Radical Reconstruction. It divided the South into military districts, and fostered the ascendancy of the Republican Party by dissolving the conservative state governments that had emerged immediately following the Civil War. Thus, the southern white Democrats who had been swept from power by the Reconstruction Acts set about formulating a strategy for political restoration, or Redemption.

In the Upper South states of **Virginia**, **Tennessee**, and **North Carolina**, Redemption came quite early. The fractiousness of these Republican state governments, a relatively small black voting population, and the application of violent intimidation by organizations such as the **Ku Klux Klan**, allowed the Redeemers to eke out narrow victories by 1870. A similar set of dynamics led to the Redemption of **Georgia** in 1871.

What specifically brought about Redemption in the rest of the South, however, remains a matter of debate among scholars of Reconstruction. From one perspective, the Redeemers merely awaited the Republicans' self-destruction. Indeed, disunion within Republican ranks often hampered effective governance. These divisions came to a head in 1872, when opponents to the reelection of **Ulysses S. Grant** formed the splinter **Liberal Republican Party**. Corruption, alleged and real, both within the Grant administration and southern Republican state governments, weakened national support for Reconstruction and the regular Republican Party. Racism also worked against the party that had elevated **African Americans** to full citizenship, especially in the South.

Outside factors also favored the Redeemers. The **Panic of 1873**, a major worldwide financial depression, fueled the perception that garrisoning the South was a waste of taxpayers' money. Meanwhile, the U.S. **Supreme Court** undermined laws designed to prop up southern Republican regimes. *United States v. Cruikshank* (1876) effectively gutted the **Enforcement Acts** that had been passed by Congress to curb violence against Republicans in the South, and the *Slaughterhouse Cases* (1873) greatly weakened federal authority over the **Fourteenth Amendment**.

Redeemers, however, were far from passive in their quest for the restoration of the Democratic Party. Violence was one tool, although it had limited effectiveness. Early Ku Klux Klan activity had mostly brought about national support for the Enforcement Acts, and although it played some role in the Redemption of the Upper South, the Klan's activity was poorly coordinated with political objectives. More sophisticated forms of opposition emerged in 1874, with the advent of the **White League**, Rifle Clubs, and later, the **Red Shirts**. Unlike the Klan, these paramilitary organizations did not hide behind a mask. They also had strong political underpinnings and orchestrated their activities closely with the Democratic Party. Their martial presence somewhat suppressed black voter turnout. Much of their violence targeted prominent white Republicans, demoralizing black followers and sending an ominous warning to other **scalawags** and **carpetbaggers**. Perhaps the most important role played by these groups was in the forging of white unity behind Redemption. At the end of the Civil War, white antipathy toward the Democratic Party was significant. Many still blamed it for secession and military defeat. The hoopla and pageantry of these paramilitary organizations rallied, and possibly even intimidated southern whites into voting for Democratic candidates.

Economic intimidation was also a powerful tool available to the Redeemers. As landlords, they could use the threat of eviction against those who worked their land under a system of **sharecropping**. By taking advantage of the economic dependence of others, the Redeemers could depress Republican voter turnout without resorting to violence, and in turn, without provoking the federal intervention that such violence courted.

Violence and intimidation, combined with a weakened Republican Party, brought about the Redemption of **Texas** in 1873, **Alabama** and **Arkansas** in 1874, and **Mississippi** in 1875. On the eve of the 1876 presidential contest between Democrat **Samuel J. Tilden** and Republican **Rutherford B. Hayes**, only **Louisiana**, **South Carolina**, and **Florida** remained unredeemed. The disputed results from these three states proved pivotal to the outcome of the presidential race, and led to the crafting of the **Compromise of 1877**. Among other stipulations, these southern states gave their electoral votes to Hayes, while the Republican candidate pledged to withdraw federal troops from the South. Left undefended by the Hayes administration, the remaining Republican governments quickly collapsed. By the spring of 1877, the Democrats had fully Redeemed the South.

The Democratic Redeemers who took control of the South were often referred to as the "**Bourbons**," an unflattering reference to the reactionary Bourbon monarchies of nineteenth-century France. The Redeemer governments quickly instituted a system of fiscal retrenchment, gutting state spending on social services such as **education** for poor African Americans and whites alike. The Redeemer generation would ultimately usher in the era of the **New South** by emphasizing sectional reconciliation and encouraging northern investment in the southern economy.

Redemption did not immediately end the political careers of the South's **black politicians**. Although they were the unabashed champions of white supremacy, the Redeemers remained wary of provoking federal intervention by trampling too quickly on the **civil rights** of African Americans. Their

ascendancy, however, paved the way for the ultimate political **disfranchisement** of most blacks and many poor whites in the 1890s. *See also* Guns Clubs; Jim Crow Laws; U.S. Army and Reconstruction. *See also* names of individual states.

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*Justin A. Nystrom*

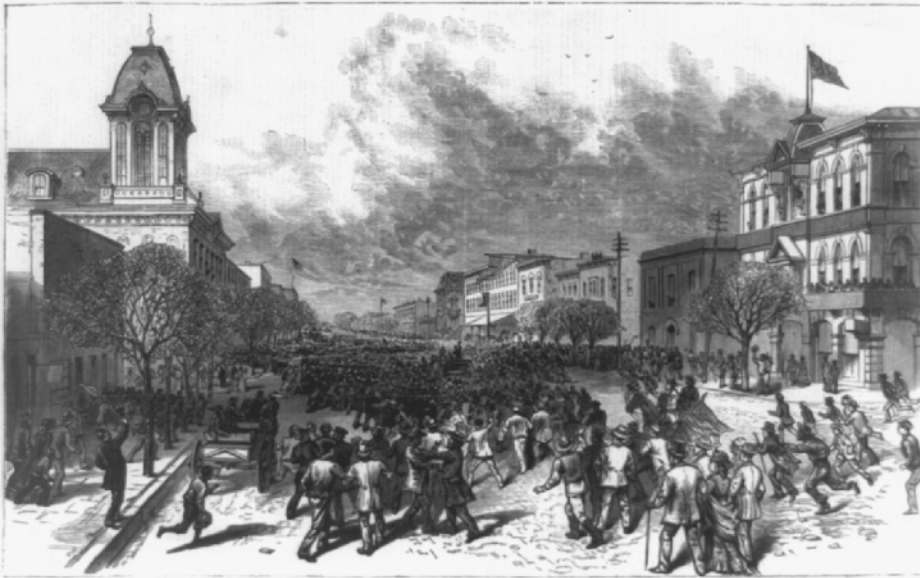
## Red Shirts

The Red Shirts were a paramilitary arm of the **Democratic Party** in **Mississippi** and **South Carolina** that was decisive in the elections of 1875 and 1876, respectively, in those states. Earlier scholarship tried to maintain a distinction between the **violence** of the **Ku Klux Klan** and the ostensibly peaceful political activities of the Red Shirts, but more recent scholarship has concluded that this was a distinction without a difference. Red Shirts were an outgrowth of the politically involved **gun clubs** that appeared in many southern states in the mid 1870s.

The Red Shirts first emerged during the Mississippi election of 1875 as part of the Mississippi Plan (also called the **Shotgun Plan**). When Republicans held political meetings, they were often greeted by mounted white men wielding rifles and shotguns who carefully avoided making direct threats but allowed their intimidating presence to carry a clear message: White Democrats were determined to end Republican rule. These well-armed conservative whites, many of whom were Confederate veterans, would gallop about, interrupting and harassing speakers, sometimes firing their guns into the air. The clubs never took open, direct action against Republicans, but have been implicated in several assassinations and **race riots**. Their physical presence, plus touches of economic intimidation and outright fraud, doomed the Mississippi Republicans in 1875.

The origin of the red shirt as the uniform of these Democratic paramilitary forces remains unclear. Some argue it was a sarcastic response to the “**Bloody Shirt**” technique used so successfully by **Radical Republicans** in Congress. Others contend it had ties to Garibaldi’s Red Shirts of the 1860s, who took part in the independence movement that resulted in Italian unification during that decade.

Nonetheless, observing the effectiveness of the Shotgun Plan in Mississippi, South Carolina Democrats decided to emulate it for the **election of 1876**. Although **Wade Hampton III** was the Democratic nominee for governor, it was his lieutenant, **Martin W. Gary**, who took the lead in planning the grassroots mobilization of Democrats across the state. He called for each township in each county to reorganize the party, and out of most of these local Democratic units grew parallel Red Shirt clubs. Historians estimate that at the height of the campaign, there were as many as 290 clubs with 15,000



Crowds of people in the street celebrating the return of Governor Wade Hampton III to South Carolina, 1877. (Courtesy of the Library of Congress.)

Red Shirts in South Carolina (in a state with approximately 150,000 men of voting age). One contemporary observer also suggested that earlier Grange organizations formed the nucleus of many Red Shirt clubs, a contention supported by research in Mississippi. Eager to overawe and sway **African American** voters, the Democrats even encouraged the formation of Red Shirt clubs composed of black members.

Red Shirts in South Carolina carried out several functions, some political and some better described as military. As Wade Hampton toured the state in September and October 1876 campaigning for the governor's office, he was greeted in many towns by tremendous parades of mounted Red Shirts. Red Shirts also crashed Republican meetings, forcing the Republicans to "divide time" with Democratic speakers if they wanted to hold their meeting. This tactic not only deprived potential Republican voters of the information relayed in the speech, but it also showed that Republican politicians could not defend themselves, much less their constituents. Federal troops still served in the state, but were powerless against the carefully nuanced intimidation. There was violence, but considering the demographics and region, soldiers could never track down and locate perpetrators. In violent outbreaks such as the Hamburg Massacre and the Ellenton Riot, Red Shirts played a direct military role, killing dozens of African Americans in these clashes. By election day, the sight of Red Shirts near the polls succeeded in intimidating many would-be Republican voters and nullifying the Republicans' numerical advantage. The Democrats came close enough to contest the election, which remained one of three undecided contests that figured into federal maneuvering during the winter of 1876 and 1877. Again, without the promise of federal support, the situation for the Republican incumbent, **Daniel H. Chamberlain**, was



hopeless. By April 1877, the Red Shirt army had placed Hampton in the governor's chair.

Even after Reconstruction, the Red Shirts remained active in South Carolina politics. In 1878, Red Shirts carried out much the same function as they had in 1876, and in 1880 and 1882, they harassed and attacked candidates and supporters of dissenting political parties such as the Greenback-Labor Party. In the twentieth century, many white southerners approved of their role in "redeeming" the South and lionized the Red Shirts for ending Reconstruction. *See also* Bourbons; Compromise of 1877; Hayes, Rutherford Birchard; Redemption; U.S. Army and Reconstruction; White League.

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*Bruce E. Baker*

### **Reed, Harrison (1813–1899)**

Harrison Reed was elected in 1868 as **Florida's** first governor under **Congressional Reconstruction** and oversaw the state's **readmission** into the Union. Although Reed took a very moderate approach in addressing the state's problems during Reconstruction, political infighting, terrorism, and charges of corruption marked his tenure as the state's chief executive. These volatile issues culminated with several attempts on his life and four unsuccessful efforts to impeach and remove him from office.

Harrison Reed was born in Littleton, Massachusetts, on August 26, 1813. He moved to Wisconsin in 1837, where he became editor of newspapers in both Milwaukee and Madison. Wisconsin also served as the starting point for his political career. In 1847, he was elected as a delegate to the state constitutional convention and participated in the drafting of the state's first constitution. Reed spent the early part of the 1850s engaged in several unprofitable business ventures, before deciding to reenter politics. He joined the Republican Party almost at its inception, in 1854, and his early embracing of the party paid dividends for him with the election of **Abraham Lincoln** in 1860. Reed received an appointment as a treasury agent during the Civil War. This new post required him to move to Florida, near present-day Jacksonville, to oversee the sale and distribution of confiscated lands in Florida and **Georgia**.

Reed became embroiled in controversy shortly after his arrival in Florida. According to a fellow treasury agent in the area, he was guilty of selling plots of land in the possession of the Union to his family members and local citizens, many of whom were freedmen, at a discounted rate. Although Reed fiercely proclaimed his innocence, he received little support from his former political allies in Washington, and the allegations led ultimately to his dismissal in 1864. His apparent fall from favor was brief, and shortly after the end of the Civil

War, President **Andrew Johnson** sent him back to Florida as the state's postmaster. This new office made him one of the most powerful Republicans in the state.

As postmaster, Reed enjoyed an extraordinary amount of influence, yet his politics were conservative and he sought to create a coalition between Florida's moderate Republicans and members of the state's **Democratic Party**. In 1865, when asked by the Johnson administration for his advice regarding the selection of a **provisional governor** for the state, he suggested **William J. Marvin**, a longtime conservative Florida resident, whom he felt would embrace **Presidential Reconstruction** and not antagonize local whites. Similarly, after the rapid disintegration of Johnson's Reconstruction plan, Reed sought to continue this Republican and Democrat coalition by calling for the creation of a new political party. The party, later called the Union Republican Party, would be moderate enough to enjoy the support of both Republicans and Democrats who had become unsettled with the momentum of the more radical elements in the state. By emphasizing the rebuilding of the state rather than **black suffrage**, this new alliance of prominent political leaders and businessmen ultimately propelled Reed into the office of governor in 1868.

Reed's election as Florida's governor in 1868 marked the apex of his political career and the end of the fragile coalition of moderates and conservatives he had created during Presidential Reconstruction. By early fall 1868, many of his Republican allies had already turned against him, some as a result of his refusal to participate in their plans to develop a **railroad** in the state, others, including most **African Americans** living in the state, because of his alliance with Florida's Democrats. Similarly, the local Democrats who offered halfhearted support throughout the convention abandoned him once he had subdued the radical threat in the state.

This spirit of discontent led to four separate attempts to remove Reed from office during his term as governor. The charges, the first of which were issued after only Reed's fourth month in office, ranged from the theft of government funds to accepting bribes and kickbacks from railroad companies desiring to build in Florida. Reed skillfully fought each impeachment challenge and in each case refused to acknowledge the legitimacy of the indictments. In one case, he declined to step down as required by Florida's constitution until the Senate resolved the charges against him, choosing instead to leave the state capital and conduct official business from Jacksonville.

In addition to the political turmoil he experienced as governor, Reed's relationship with Florida's freedmen was stormy at best. Though he appointed an African American, Jonathan C. Gibbs, as his secretary of state in an effort to secure their allegiance, he often fell out of favor with them because of his reluctance to use his executive power to protect them from **violence** by groups such as the **Ku Klux Klan**. Under Reed's watch, there were more than 200 reported Klan outrages and vigilante murders in the state, most of which centered in areas where the majority of the population was African American. Although he received several death threats from these groups, and fled the state capital on several occasions to avert these attempts on his life, Reed remained reticent to use the state **militia** to put down the lawlessness.

Harrison Reed survived the threats of violence, charges of corruption, and the ever-present specter of impeachment intact. However, he could not gather enough support to gain his party's nomination in the next gubernatorial election. When his term ended in 1872, he returned to his home near Jacksonville, Florida, and remained there in relative obscurity until his death on May 25, 1899. *See also* Carpetbaggers; Elections of 1868; Military Reconstruction Acts; Scandals.

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*Learotha Williams, Jr.*

### Reid, Whitelaw (1837-1912)

Whitelaw Reid was a reporter, editor, publisher, vice presidential candidate, and diplomat. A clergyman's son, Reid was born near Xenia, Ohio, and given a good classical **education**. Polished, well-read, erudite, reserved, and, when need be, ruthless, he was made for a special correspondent's pen, rather than a day-to-day penny-a-line journalist's. His first serious foray into journalism came as "Agate," the *Cincinnati Gazette's* lively Washington correspondent during the Civil War. His reports were clear, shrewd, and generally as fair as his **Radical Republicanism** could make them. There was no love lost for him in the War Department, where his criticisms of Secretary **Edwin M. Stanton** made him chary about asking favors, and his confidential relationship with later **Supreme Court** chief justice **Salmon P. Chase** allowed him to help along Chase's presidential boom and later to accompany the jurist on a postwar tour of the South. Reid's impressions in *After the War* (1866) were chatty, insightful, and deeply skeptical about the way Reconstruction was going. Although he was biased, he clearly sensed the difficulty **African Americans** were having adjusting to freedom, and the hostility whites had adjusting to defeat.

In 1868, **Horace Greeley** invited him to share the editorial duties on the *New York Tribune*, and Reid made one of America's best newspapers even better, with crackerjack reporting from the South and elsewhere. "Muckraking" articles (although the term was not yet in vogue) exposed the rottenness of politics in **South Carolina** under so-called "negro rule" (a series of letters by **James Shepherd Pike** later turned into a devastating book, *The Prostrate State*) and challenged the credibility of witnesses to racial **violence** in the Deep South. Perhaps shaken by these developments, Reid moved away from radicalism, and became one of the power brokers in the **Liberal Republican** convention of 1872, the most effective force for Greeley's nomination for president. After Greeley's defeat and untimely death, Reid took over control of the *Tribune*, allegedly with money supplied by **railroad** speculator **Jay Gould**. He remained in control for the next forty years, less and less interested in the day-to-day affairs of the newspaper and sluggish about innovation, resulting in a newspaper that was superb in literary, theatrical, and musical

criticism and the safe, genteel reading matter of Protestant clergy, but no more than a relic among the hustling city press of a new century. It took his son, Ogden Mills Reid, to turn the *Tribune* back into a first-rate paper. By then, however, Reid's real ambitions were purely political. By 1876, the *Tribune* had returned to orthodox Republicanism, and rediscovered the value of "**bloody shirt**" reportage. Reid himself became minister to France (1889–1892), and vice presidential nominee in 1892. He served ably on the peace commission at the end of the Spanish-American War, and was all the more ardent an imperialist for his fear that the true white race in the United States, as he saw it, was imperiled by dilution from the scum of the universe—which seemed to include just about everybody everywhere. Theodore Roosevelt made him ambassador to Great Britain in 1905, and he held office until his death in 1912. *See also* Cincinnati Convention; Elections of 1876; Grant, Ulysses S.; Presidential Reconstruction; Scandals; Schurz, Carl; Trowbridge, John T.

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*Mark W. Summers*

## Republicans, Liberal

Much better at articulating popular principles than at gaining office, the Liberal Republicans of the 1870s defined a middle ground in post-Civil War politics that wedded radical demands for human equality with conservative demands for small government. The Liberal Republican movement came out of Missouri in 1870, and gained enough momentum to field a presidential ticket for the election of 1872. Although it died as a formal organization after flopping in the election, the movement's ideals filtered back into the Republican and **Democratic Parties**, defining a middle ground in American politics for the rest of the century.

### **Roots: Civil War Missouri**

The Liberal Republican movement grew out of the peculiar circumstances of Missouri in the Civil War era. Horrific guerrilla warfare tore the state apart during the conflict, and, in an angry attempt to make sure Missouri would never fall into the hands of Confederates, Republicans rewrote the state's constitution in 1865, placing into it very strict loyalty requirements for **suffrage**. This meant that, after the war, Democrats were unable to challenge the Republican hold on the state. The state's Republican Party was controlled by Senator Charles Drake, who had been a key author of the new constitution. Drake dictated state policies as he managed **patronage** posts in the state, demanding strict loyalty from his followers. Prominent politician **Carl Schurz** of Missouri, a fervent believer in republican government who was convinced that Drake and his ilk would destroy America, became the national opponent of such Republican machine politics. In 1868, when Drake tried to dictate the replacement for Senator John B. Henderson, Schurz opposed the plan, ran

himself, and won. Entering the Senate in March 1869, he took the floor of the Senate to condemn the spoils system of government administration.

By 1870, Missourians were increasingly restive under the 1865 state constitution, especially since the **readmission** of former Confederate states to the Union meant that Missourians—members of a state claimed by the Union—were disfranchised when many southerners had been readmitted to the polls (see **Disfranchisement**). Angry at Republican president **Ulysses S. Grant** for a variety of reasons and at the Missouri Republican machine that was running the state, Schurz joined the cry of Democrats and Moderate Republicans to change Missouri's voting restrictions. In that year's state Republican convention, he demanded the loosening of loyalty requirements. When regular Republicans ignored him, he and his supporters bolted the convention, and, together with Missouri politician B. Gratz Brown, organized a new convention that called for the immediate end to political disabilities. They nominated Brown for governor. Regular Republicans read Schurz out of the party and President Grant publicly accused him of trying to turn the government over to the Democrats. Republican officials dismissed Brown supporters from government positions.

In a backlash against patronage government, a coalition of the Missouri bolters and Democrats ousted the regular Republicans. Defending the results of the election, Schurz condemned the methods of the Missouri regular Republicans, charging that they had gerrymandered the state to favor black constituencies and then whipped up opposition to amnesty by insisting that Democrats would return freedmen to slavery. The machine politicians cared only for power, Schurz argued, and warned that government dominated by a single powerful party opened the door to tyranny. Pointing to traditional "levies" of money from officeholders to feed the party's war chest, he suggested that the Republican hold on public positions was leading to a corrupt organization designed primarily to keep supporters in office.

### ***1872: Missouri Reformers Go National***

Schurz had outlined the principles that would organize opposition to the Republican administration leading up to the election of 1872. After 1870, Democrats and Republicans increasingly disgruntled with Grant harped on the idea that Republicans in power were deliberately manipulating **African American** voters to guarantee that the administration would stay in power indefinitely. Believing themselves to be America's "best men," liberal reformers planned to recapture a growing American government from special interests and return it to a limited affair that worked generally for the good of all. In May 1872, reformers anxious to offer an alternative between the Republican machine and the unreconstructed southern democracy (which still railed against the Reconstruction amendments) organized the Liberal Republican convention to nominate a presidential ticket and offer a new platform for American politics.

At the **Cincinnati Convention**, which opened on May 1, the Liberal Republicans addressed the growing disaffection with Grant's administration. Trying to recapture the liberal dream of individual responsibility and independence

within the political strictures of the postwar era, their platform called for the absolute recognition of the **Thirteenth, Fourteenth, and Fifteenth Amendments** to the **U.S. Constitution**, asserting that all men were equal before the law and that “it is the duty of Government . . . to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political.” Insisting on protection for **black suffrage**, the platform went on to demand “the immediate and absolute removal of all disabilities” imposed on former Confederates. Turning to popular concerns about the corruption of government by a Republican patronage machine beholden to big businessmen and black voters, Liberal Republicans declared that local self-government with impartial suffrage was safer for republicanism than a centralized government that threatened the existing constitutional limitations of power. Demanding civil service reform, they went on to complain that “the civil service of the government has become a mere instrument of partisan tyranny and personal ambition, and an object of selfish greed. It is a scandal and reproach upon free institutions, and breeds a demoralization dangerous to the perpetuity of republican government.” Concerned that government must remain untrammelled by interest groups, Liberal Republicans held a middle course for the nation, refusing to accept the demands of laborers for favorable legislation or the tendency of big businessmen to buy political influence. Unwilling, though, to take a stand on the tariff out of fear of alienating voters on one side or the other, they planted the seeds of their own destruction.

While Schurz was the guiding force of the convention, events quickly ran away from him. Schurz hoped to see B. Gratz Brown as the presidential nominee, but protariff delegations engineered an arrangement to throw the nomination to **Horace Greeley**, the eccentric editor of the *New York Tribune*, well known as an advocate of protective tariffs. While Greeley answered the needs of the protariff men, his candidacy was deeply problematic. He was a pompous little man, abrasive and dictatorial in print, who supported a wide range of causes—like women’s rights—that most Americans regarded with suspicion. Most damaging was that, during the war, he had been vitriolic about southerners and Democrats, an unavoidable fact that struck deep at the heart of the Liberal Republican voting base. Even Schurz washed his hands of Greeley’s candidacy.

The campaign itself had troubling implications for American politics. Unwilling to see the writing on the wall, Greeley wore himself out in a frantic campaign that was unable to attract necessary voters. At the same time, the newspapers loyal to Liberal Republicanism hammered home the idea that the Republican administration was catering to lazy African Americans and rich businessmen, tainting American political rhetoric with the idea that black voters were looking only for government handouts, which Republicans were happy to provide in return for the chance to harness the government to the needs of big business. In September, the Liberal Republicans broke the Credit Mobilier scandal, charging prominent congressmen, senators, and even the vice president with accepting **railroad** stock in exchange for railroad legislation, but their accusations did not stick until after the election. Republicans, in contrast, had to do little but accuse Democrats of trying to erase the results of the war. In 1872, African Americans nationwide would vote for

the first time in the presidential election, and their political loyalties were closely monitored by whites. Faced with the reform movement of former prominent **abolitionists**-turned-Liberal Republicans like Greeley and Senator **Charles Sumner** (who Grant had also alienated), and their certainty that Democrats meant them no good, most African Americans threw their lot in with the regular Republican Party and Ulysses S. Grant.

In the fall, most Democrats simply stayed home, refusing to vote for a protariff man who had made a career attacking them, and Grant won handily. Weeks later, exhausted and broken, Greeley died. Angry supporters carried forward the themes of the campaign, blaming African Americans for handing the election to Grant, accusing black men of being interested only in government jobs paid for by tax dollars.

The Liberal Republican movement was more significant than its short history seems to indicate. The ideas that its supporters had articulated became the standard language of late nineteenth-century America. After 1872, the threat of government corruption at the hands of businessmen or grasping poor became the dominant language of American political rhetoric. While this meant attempts to undercut the political influence of big business and organized labor, it also meant that black voters increasingly bore the blame for an expensive government that seemed not to respond to the average white American. By the turn of the century, Americans would take steps to limit popular suffrage, to reduce the political influence of big business, and, most strikingly, to keep African Americans from the polls. *See also* Abolition of Slavery; Amnesty Proclamations; Congressional Reconstruction; Fifteenth Amendment; Fourteenth Amendment; Labor Systems; New Departure; Presidential Reconstruction; Republicans, Moderate; Republicans, Radical; Scandals; Stalwarts; Thirteenth Amendment; Women's Movement.

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*Heather Cox Richardson*

## Republicans, Moderate

Contemporaries recognized that there were wide disagreements among Republican Party leaders and activists about how far to go in pressing anti-slavery measures during the Civil War era. After the **abolition of slavery**, the question was transformed into how far to press for change in race relations. This issue, in turn, was closely related to that of Reconstruction—that is, on what terms the South should be restored to the Union and what changes were

required in the power of the federal government to protect the rights of its citizens and inhabitants. Contemporaries identified Radical and conservative positions on these issues. Republican politicians sought to promote their career ambitions by identifying on these issues in a way attractive to their constituents.

### ***Republican Factions***

During the Civil War, the separation between Radical and conservative Republicans was rather clear, turning on whether to take aggressive steps to abolish slavery and to prosecute the war. Most Republican congressmen were identified with Radicalism, while many from border states, some governors, and several of **Abraham Lincoln's cabinet** members were identified as conservatives. With the war's end, however, a number of important Republican leaders who had supported Radical measures drew back. Among the most important were **William Pitt Fessenden** of Maine and **Lyman Trumbull** of Illinois, who were recognized as senior leaders in the Senate, and Representative **John A. Bingham** of Ohio, one of the most influential Republican lawyers in the House, who was respected for having helped develop and spread antislavery interpretations of the **U.S. Constitution**.

Contemporaries recognized these Republicans as practical politicians, trying to steer a course between Radicals and conservatives that would hold the support of northern voters and appeal to southerners, especially former Whigs, who were disgusted with the **Democratic Party** leadership that had led them to war and disaster. In the first year of Reconstruction, they also hoped to avoid a split between the Republican Party and President **Andrew Johnson**, the former Democrat who had been elected vice president on the **National Union Party** ticket with Abraham Lincoln in the **election of 1864**. Historians now recognize that these "Moderate" or "centrist" Republicans—terms rarely used by contemporaries, however—played the central role in devising what once was called "Radical Reconstruction." Realizing these Moderates played such a significant role in the national legislature's policy-making, and that it was that legislature that steered the restoration process, more and more scholars are simply using the term **Congressional Reconstruction** to identify the Republican program.

While **Radical Republicans** advocated the enfranchisement of **African Americans** from the beginning of Reconstruction (**black suffrage**), a long period of probation for southerners under territorial governments, **disfranchisement** at least of Confederate leaders, and in some cases confiscation and redistribution of plantation lands, Moderate or centrist Republicans were willing to build upon President Johnson's initial efforts at Reconstruction, which left politics entirely in the hands of white southerners, offered a generous amnesty to former Confederates, and envisioned a quick restoration of loyal governments created under his supervision in the fall and winter of 1865–1866. However, they rejected the proposals of conservative Republicans, who fully endorsed Johnson's program, immediately to restore these southern governments to normal relations in the Union and seat their representatives and senators in Congress. Although they were willing to forego black suffrage,



they insisted that African Americans be recognized as citizens entitled to basic **civil rights**.

### *The Moderates' (or "Centrists'") Dilemma*

Moderates' commitment to this minimum condition before restoration was reconfirmed as many of the governments established under the president's plan enacted **Black Codes** that limited black southerners' rights, in some cases with great severity. To secure the rights of African Americans, the centrist leadership of Congress passed a **Civil Rights Act** defining citizenship to include African Americans and guaranteeing them the same basic rights as white citizens. It proposed a new amendment to the Constitution that would write similar principles into the Constitution itself. If the southern state governments ratified the **Fourteenth Amendment** and amended their laws and state constitutions to conform to its provisions, Moderate leaders indicated that those states would be restored to normal relations in the Union and their representatives and senators would be admitted to Congress. When President Johnson vetoed the civil rights bill and publicly opposed ratification of the Fourteenth Amendment, a number of conservative Republicans broke with him, reenforcing the ranks of Moderates, while Radicals unsuccessfully pushed for black suffrage and a delay in restoration.

To Moderates' dismay, in the fall and winter of 1866-1867 the legislatures of the Johnson-created southern state governments rejected the Fourteenth Amendment (except **Tennessee**, which thus escaped most of the Reconstruction process). Fearing that northern voters would grow impatient with a stalemate, Republican congressional leaders decided that they had to replace the Johnson-created southern state governments with new ones elected by both white and black citizens. The **Military Reconstruction Act** put the southern states under military supervision until black and white southerners established new state governments and ratified the Fourteenth Amendment.

The new program represented a compromise between Moderate and more Radical Republicans. Moderates now endorsed some key proposals that Radicals had advocated since 1865, especially equal suffrage regardless of race, but they rejected others, especially ignoring Radicals' warnings against restoring southerners to normal relations before establishing support for equal rights among a substantial number of whites.

With the enactment of Congressional Reconstruction (so-called "Radical Reconstruction"), Republicans remained divided, now over how to deal with President Johnson, who denounced the program as unconstitutional and did everything he could to thwart it. Both on principle and because of its political dangers, Moderates rejected Radical arguments that such presidential obstruction merited **impeachment** and removal. Losses in local elections in the fall of 1867 reconfirmed their caution. In December 1867, a majority of Republicans joined Democrats to defeat an impeachment resolution by a large margin in the House of Representatives.

Nevertheless, Johnson became ever more aggressive. In February 1868, he moved to gain complete control of the armed forces by removing Secretary of War **Edwin M. Stanton**, who had served as a buffer between Johnson and the

army, in apparent violation of the **Tenure of Office Act** passed a year earlier. Once again, conservative and Moderate Republicans adopted a Radical policy that they had earlier resisted.

In the subsequent trial before the Senate, Moderates resisted Radicals' efforts to hurry the process. They sustained rulings by Chief Justice **Salmon P. Chase**, who presided over the trial that imposed judicial procedures and decorum. While Radicals argued that impeachment was designed to remedy inherently political abuses of presidential power, most Moderates insisted on a narrower, more legalistic interpretation of the process. In the end, most centrists joined Radicals in voting to convict the president, but the most powerful Republican centrists, including Fessenden and Trumbull, joined conservative Republicans and Democrats to acquit him.

The reversals in the elections of 1867 and the impeachment debacle seriously weakened the Republican Party. In 1868, the Republican convention turned to the war hero General **Ulysses S. Grant**, whose nomination was backed most strongly by the conservative and moderate elements of the party. At the same time, the centrist leadership rushed the reconstructed southern states, now under Republican control, back into normal relations in the Union, heedless of Radical warnings that they were not ready for restoration.

After Grant's victory in the presidential **election of 1868**, Radicals and more conservative Republicans divided over the last great act of Reconstruction—the framing of the **Fifteenth Amendment**, which barred racial qualifications for voting. Most Moderates joined conservatives to reject proposals that would have barred voting tests based not only on race but religion, ethnicity, property, and literacy. The Fifteenth Amendment explicitly secured the right to vote only against deprivation on the grounds of race, color, and previous status as a slave.

With the election of a Republican president, the ratification of the Fifteenth Amendment, and the **readmission** of the last of the former Confederate states to the Union in 1870, contemporaries referred less and less to the divisions among conservative, Moderate, and Radical Republicans. Although Reconstruction had not fully run its course, and the Republican Party would face decisions on supporting their southern brethren and enforcing blacks' rights, the questions that delineated Republican wings during the Civil War and Reconstruction had been settled. By the early 1870s, the established leadership of the party, made up of leaders who had taken a full range of positions earlier, faced new challenges from so-called **Liberal Republicans**, who urged conciliation of white southerners and attention to issues such as civil service reform. New lines would be drawn, as new issues and demands made their way onto the national scene. *See also* Elections of 1866; Emancipation; Greeley, Horace; House Judiciary Committee; Joint Committee on Reconstruction; National Union Movement; New Departure; Presidential Reconstruction; Race Riots; Recusants; Stalwarts; Swing Around the Circle; Violence; Washington's Birthday Speech.

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*Michael Les Benedict*

## Republicans, Radical

The Radical Republicans were those members of the Republican Party who before the Civil War opposed any concessions to the South, favored **emancipation** during the conflict, and afterward insisted on **civil rights** and **suffrage** for at least some **African Americans**. Never an organized group, its membership varied, and its outlook on matters other than the race question was never one-sided.

### *During the Civil War*

Often former Freesoilers, or both antislavery Whigs or Democrats, during the 1850s, such Radicals as **Benjamin F. Wade**, **Charles Sumner**, and **Salmon P. Chase** in the Senate and **George W. Julian** and **Thaddeus Stevens** in the House following the passage of the Kansas-Nebraska Act were instrumental in the creation of the Republican party. Strengthened by the election of such supporters as Owen Lovejoy of Illinois, **Zachariah Chandler** of Michigan, and **Henry Wilson** of Massachusetts, they tended to give the new party its antislavery slant. Active in the election of **Nathaniel Banks** as Speaker of the House, they succeeded in writing a Radical platform for the Republicans during the presidential election of 1856, and afterward defeated the Lecompton Constitution for Kansas, took a prominent part in the fight for that territory, and resisted southern demands to extend slavery by annexing Cuba. Although they were accused of undermining the Union, though they always maintained that, abiding by the **U.S. Constitution**, they would not interfere with slavery where it already existed. Unable to nominate a candidate in 1860, they supported the moderate **Abraham Lincoln**, whose antislavery convictions had been made abundantly clear, so that his end aims were not too different from theirs.

During the secession crisis, the Radicals were adamant in opposing any concessions to the South. As Lincoln, too, refused to compromise about the fundamental question of the nonextension of slavery, they were most hopeful of the future, though they worried about the inclusion of **William H. Seward** in the cabinet, as this former alleged Radical had shown himself to be very conservative by asking for efforts to appease the South. Also, after Lincoln had taken office, they opposed the surrender of Fort Sumter, an effort that was crowned with success when the president supplied the fort and the Civil War began.

At the time and ever after, the Radicals were blamed for the outbreak of the conflict. Had they not always agitated against concessions? Had Zach Chandler not written, "Without a little blood-letting, this Union would not be worth a rush"? The answer to this charge has been that not the Radicals, but

southerners had threatened to break up the Union, and did so after Lincoln was elected president by firing on Fort Sumter, thus starting the war.

During the first months of the war, the Radicals fully supported the administration. In control of many congressional committees after Congress met on July 4, 1861, they freely voted for money, supplies, and arms, and legalized the measures the president had taken to foil the secessionists prior to the meeting of Congress. As time went on, however, they became critical of the administration. Angry at the president when he caused John C. Frémont to withdraw his emancipation edict in Missouri, they were equally upset at his similar action against David Hunter's efforts to free the slaves in the Department of the South. After first supporting General George B. McClellan, they eventually became his worst critics and either tried to spur him on or have him dismissed. In December 1861, they formed the **Joint Select Committee on the Conduct of the War**, chaired by Wade, which used its investigative powers to urge action against McClellan except for emancipation. When, during the Peninsular campaign in the spring and summer of 1862, the general failed to take Richmond, he blamed the Radicals who had allegedly caused the administration to withhold McDowell's corps and Blenker's division from his Army of the Potomac. Since McClellan habitually overestimated the strength of his enemies, some suggest that he probably would have been averse to taking the city, even with the additional troops.

The Radicals' chief aim during the war was to effect total emancipation. Lincoln, being equally anxious to free the slaves, was a much better politician than his critics, and cleverly used Radical pressure to overcome conservative opposition to his gradual emancipation policies. With his excellent sense of timing, he signed the first **Confiscation Act** as early as August 1861, advocated emancipation in the border states in March 1862, then signed the bill freeing the slaves in the **District of Columbia** and the second confiscation bill. Without Radical pressure, it is doubtful that he could have promulgated his Emancipation Proclamation in September 1862, maintained it against conservative pressure, and carried it into effect on January 1, 1863. Individual **abolition** measures to end slavery in the border states followed, as did his pressure to pass the **Thirteenth Amendment** in the winter of 1864-1865.

The Radicals also demanded the reinstatement of General **Benjamin F. Butler**, a former Democrat who had won their admiration by declaring fugitive slaves "**contraband**" in May 1861 and then administering New Orleans with great vigor. His recall in December brought them into conflict with the administration, but eventually Lincoln restored the general to a command in **Virginia**, as he did with the other Radical favorite, John C. Frémont.

### *Radicals Break with Lincoln*

One of the Radicals' principal differences with Lincoln involved the problem of Reconstruction. Determined that **readmission** not occur without ending slavery in the former Confederate states, and that the old order not be restored under a different name, the Radicals believed that Congress ought to be in charge of the process. Charles Sumner considered the states to have committed suicide, thus reverting to the condition of territories, over which

Congress had exclusive control. Thaddeus Stevens went further. Arguing that by establishing a blockade, the president had recognized the belligerency of the Confederacy, he called the seceded states conquered provinces, with which Congress could do what it wanted. Lincoln's different notions—especially his insistence that the states were still in the Union, and that it was up to the president to restore them to their proper relationship with the federal government—irked them, and when he published his **Amnesty Proclamation**, they criticized his idea of relying on 10 percent of the voters of 1860 in a state to be restored as well his failure to fully spell out complete emancipation. The result was the passage of the **Wade-Davis Bill**, which required 50 percent of the white inhabitants for the initiation of Reconstruction and the swearing of an ironclad **loyalty oath** for prospective voters.

In the meantime, the Radicals had failed to substitute one of their own, either Chase or Butler, for Lincoln, who was renominated in June 1864. Already unhappy with his candidacy, they were furious when he pocket-vetoes the Wade-Davis Bill, and Wade and Davis in August published the Wade-Davis Manifesto accusing the president of seeking reelection by means of rotten boroughs. It was his duty to execute, not make the law, they wrote. Together with other Radicals, they then attempted to substitute another candidate for the executive, but rallied to the party when the **Democratic Party** selected McClellan on a peace platform and Frémont, who had been nominated by some of the extremists, withdrew from the race. The president's subsequent reelection, however, did not solve the quarrel about Reconstruction, as Radical demands for **black suffrage** held up the restoration of **Louisiana** and **Arkansas**.

### *The Radicals and Johnson*

The **assassination of Abraham Lincoln** at first seemed to solve many of the Radicals' problems. His insistence on a mild policy of **presidential Reconstruction** had clashed with their efforts to remake the South, and they considered his successor, **Andrew Johnson**, one of their own. As the only senator from a seceding state to remain loyal, he had been a member of the Joint Committee on the Conduct of the War. As Wade said to him on Easter Sunday, "Johnson, we have faith in you. By the gods, there will be no trouble now in running the government." "You can judge my policy by the past," replied the new president. "I hold this: Robbery is a crime; rape is a crime; murder is a crime; *treason* is a crime, and *crime* must be punished. The law provides for it and the courts are open. Treason must be made infamous and traitors punished." And, while at first he seemed to carry out this policy—accusing **Jefferson Davis** of complicity in the assassination, and signing the death warrants of all those convicted of it, even that of **Mary Surratt**, whose guilt was not certain—it soon became evident that he was no Radical at all. In fact, he was not even a Republican, having always been a War Democrat who strongly believed that the southern states were still in the Union and ought to be restored, not reconstructed, as quickly as possible. In accordance with this belief, on May 29, 1865, he issued an **Amnesty Proclamation** inviting all insurgents except fourteen exempted classes to take an oath of allegiance and

promising them amnesty. He coupled this with the appointment of a **provisional governor** for **North Carolina** who was to call for elections to start reconstituting the government on the basis of white suffrage. Similar proclamations for the other states followed. The result was the election of conservatives who not only attempted to reduce the freedpeople to a condition akin to slavery with the **Black Codes** virtually confining them to agricultural labor, but also elected any number of high ranking ex-Confederates, including ex-vice president **Alexander H. Stephens**, to Congress.

It was not surprising that the Radicals opposed this development. Under the leadership of Thaddeus Stevens, when Congress met, they refused to admit any southern representatives, even the most loyal, and set up a **Joint Committee on Reconstruction**, to which all matters pertaining to the subject were to be referred. In view of the fact that they constituted but a minority of the Republican Party, which consisted of moderates and conservatives as well, the president might easily have come to an understanding with the moderates. However, his policies, particularly his veto of the **Freedmen's Bureau** and civil rights bills, alienated the moderates, so that the Radicals were able to defy him successfully. Repassing the bills over his veto, the first after first failing to override it but later succeeding, they then perfected the **Fourteenth Amendment**, which granted citizenship to the blacks, attempted to protect them from discrimination, and provided for the reduction of representation of states that **disfranchised** (denied the vote to) any males over the age of twenty-one. In addition, it deprived all who had previously held federal office and then joined the Confederacy of the right to hold office.

### ***Radicals Seize Control of Reconstruction***

Totally opposed to the amendment, during the midterm **elections of 1866**, the president embarked on the **National Union movement** to form a new conservative party. However, the Radicals were victorious, and then launched a process called **Congressional Reconstruction**. Radicals restricted the executive's right to dismiss his appointees without the consent of the Senate via the **Tenure of Office Act**, called the **Fortieth Congress** into session immediately after the expiration of the 39th, and attempted to diminish his powers as commander in chief of the army. They were also instrumental in perfecting the **Military Reconstruction Acts**, which remanded the southern states to military rule, required them to institute black suffrage, and to ratify the Fourteenth Amendment prior to readmission to the Union. Then, after electing the Radical senator Benjamin F. Wade president pro tem of the Senate (and thus in line for the presidential succession) they initiated the first **impeachment** of a president. Although Republicans succeeded in impeaching Andrew Johnson of high crimes and misdemeanors, they were unable to convict, and remove, him.

In the meantime, the Reconstruction process in the states had started. Radical regimes were set up in the southern states that not only set up public schools but also inaugurated a taxation system based upon wealth. Frequently accused of total mismanagement and corruption, as more recent scholars have shown, these regimes were no more corrupt than various northern states at



Caricature of Radical Republicans bribing African Americans to give false testimony of atrocities and intimidation by the Democrats, 1876. (Courtesy of the Library of Congress.)

the same time, and their reforms were due to needs arising from the abolition of slavery. Moreover, the term “Radical Reconstruction,” has fallen into disuse because the Radicals were unable to overcome moderate opposition to many of their programs, particularly universal suffrage.

During the administration of **Ulysses S. Grant**, the Radicals succeeded in the adoption of the **Fifteenth Amendment**, prohibiting the denial of the right to vote on racial grounds, and efforts were made to prop up the Radical regimes by the passage of **Enforcement Acts** and a **Ku Klux Klan** act that outlawed the terrorist organization.

As time went on, however, the influence of the Radical Republicans declined. Amnesty legislation in various states, as well as terror as practiced by the Ku Klux Klan and similar organizations, enabled conservatives to return to power. The freedpeople’s lack of land and property rendered them politically weak, and many of the leading Radicals were either dying or defeated for reelection. Finally, after the disputed **election of 1876**, as a result of the **Compromise of 1877**, President **Rutherford B. Hayes** withdrew federal troops from the state houses of the remaining Republican states, and **Redemption**, as the return to conservatism was called, was ushered in.

All in all, the Radical Republicans, formerly reviled as unprincipled self-seekers, are now generally seen as a group making possible the passage of the Civil War and Reconstruction amendments and attempting to provide for a modicum of protection for the freed blacks. *See also* Command of the Army Act; Congressional Reconstruction; Readmission; Recusants; Republicans, Moderate; Scandals; Tenure of Office Act; Wade-Davis Bill.

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*Hans L. Trefousse*

### Revels, Hiram R. (1827-1901)

Hiram Revels was a prominent **African American** leader in American politics, religion, and **education**. Understanding his background is important to understanding his life and career. Revels's racially mixed family lineage made him one-fourth black. Americans who fell into this racial category were called "quadroons." A free black, he spent his early years in the town of his birth, Fayetteville, **North Carolina**. Building on the education he had gained at a school for blacks in Fayetteville, Revels left North Carolina and began studying to become a minister, enrolling at two seminaries. One seminary was in Indiana, and the other in Ohio. After ordination in the African Methodist Episcopal **Church**, pastoral work in Baltimore, **Maryland**, as well as a number of other places, offered him experience in the ministry. For Revels, the opportunities soon seemed endless.

Although he never knew the horrors of life as a slave, when the Civil War erupted, Revels, a Union army recruiter and an army chaplain, worked for the freedom cause. At his urging, black soldiers joined the **U.S. Army** to fight against the Confederates. After the war, Revels settled in **Mississippi**. Officials of the **Bureau of Refugees, Freedmen, and Abandoned Lands** also employed Revels to aid in its relief efforts in the state. Under the changes induced by **Congressional Reconstruction**, Revels held several political positions in Mississippi—city alderman, state legislator, and state treasurer. In 1872, the Republican legislature elected Revels to the U.S. Senate—the first black member of that body. His Senate term began in 1873. Senator Revels was no Radical crusader for black rights, showing great deference to the interests of southern whites as well as blacks. High ranking ex-Confederates, he argued, deserved amnesty, but he also believed that the public schools in





Hiram R. Revels, c. 1885. (Courtesy of the Library of Congress.)

the **District of Columbia** should be desegregated and governments in the South opened to black political participation.

Soon, officials of Mississippi's Alcorn University extended an invitation to Senator Revels to become the first president of the institution, and he accepted. Scarcely a year had passed since he had taken his seat in the Senate. Mississippi's white power structure received few overt challenges from the Alcorn University president. Democrats in the state even accepted Revels into their party in 1874. His death came twenty-six years later. Holly Springs, Mississippi, the site of his grave, became his final resting place. *See also* Black Politicians; Jim Crow Laws; Military Reconstruction Acts.

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*James S. Humphreys*

### Reynolds, Joseph J. (1822-1899)

Controversial in every way, Joseph Jones Reynolds showcased the complexity and opportunism rampant in the civil-military confusion during Reconstruction. Born in Flemingsburg, **Kentucky**, the family moved when Reynolds was fifteen to Lafayette, Indiana. He briefly attended college before receiving an appointment to West Point; at the U.S. Military Academy, Reynolds was a classmate and friend of **Ulysses S. Grant**, a relationship Reynolds would boldly rely on later. After his graduation in 1843, he served as an artillery officer on the frontier, and taught at West Point. In 1857, he left the service to work in the family's grocery business, and later taught engineering briefly at George Washington University in St. Louis, Missouri.

With the outbreak of the Civil War, Reynolds reentered the service as a colonel of volunteers, and was soon promoted to brigadier general. He was assigned to western **Virginia** (soon to be **West Virginia**) and was quite successful at deterring Confederate incursions into Unionist territory. In December 1861, he again left the service, to assist his family after the death of his brother, but by the fall of 1862 was back on active duty. He commanded divisions during campaigns in **Tennessee** and **Georgia**, and in 1863 became

General George Thomas's chief of staff. In early 1864, he was detailed to the Gulf area, overseeing operations in **Alabama** and **Mississippi**, and ended the war commanding the Department of **Arkansas**.

As with most of the nation, Reynolds did not know what to expect after the defeat of the Confederacy or the accession of a new president. The Confederate surrender found Reynolds serving as commander of the Department of Arkansas within General **William T. Sherman**'s Division of the Mississippi. As the new president, **Andrew Johnson**, set forth his expectations for the **readmission** of the former Confederate states, Reynolds openly expressed concern. The general favored a "cautious but firm policy," that provided amnesty for former Confederates, but questioned the wisdom of President Johnson's quickly allowing them back into the political arena. He worked well with Arkansas governor Isaac Murphy—established under **Lincoln**'s Reconstruction plan—yet in 1865 crossed swords with the **Bureau of Refugees, Freedmen, and Abandoned Lands** as he believed civilians, not military officers, should be the liaison between local whites and the freedpeople.

Reynolds's chances to make his opinions carry weight came after Congress wrestled Reconstruction policy away from President Johnson. With the passage of the **Military Reconstruction Acts** of 1867, **Texas** and **Louisiana** constituted the Fifth Military District. The **U.S. Army** now supervised civilian affairs, and was directly responsible for implementing a social and political revolution in the former Confederate states. Under the overall district commander, originally General **Philip Sheridan**, the state of Texas was commanded by General Charles Griffin, who supported a more "radical" interpretation of the acts. Griffin did everything possible to promote the aggressive wing of the new Texas Republican Party. Griffin deposed Governor **James W. Throckmorton**, the elected governor under Johnson's Reconstruction plan, and placed Republican Elisha Pease in his place. When Griffin died from yellow fever in September 1867, Reynolds took over in Texas and continued—even accelerated—the policy. Between September and November 1867, Reynolds removed nearly 500 Democrats or conservatives from offices across Texas, and appointed almost 600 Republicans.

The motivation for Reynolds's enthusiasm on behalf of the Republican Radicals has varying explanations. Reynolds was a Republican at heart, and during the war backed Abraham Lincoln's **emancipation** policy, but his ego demanded obedience to the point of adoration, and Governor Pease was flagrant in his fawning attitude toward the general. The governor's ready acceptance of the military's authority over civilians, even on behalf of their own party, worried Republicans who recognized the dangerous precedent. There also existed a growing fear among Republicans that a radical approach in Texas would not work in the long run: Texas lacked the large Unionist or black population to sustain the party. Using military force was expedient, but short-lived; more moderate Republicans believed an alliance with former Confederates was the only long-term solution. Others also suspected less-noble motives: Rumor had it that Reynolds's support for the party now was designed to elicit a political position later.

The speed of Reynolds's actions is easy to explain: the need to complete appointments before the arrival of a new Fifth District commander, General

**Winfield Hancock**, a conservative and a Democrat. Reynolds's flurry of political activity brought Hancock's ire, but his tenure was short, from November 1867 to March 1868. By the first of June, Reynolds was officially opening the state's **constitutional convention**, but he was unable to secure an acceptable constitution from the convention. Divisions among Republicans over debt, **African American** rights, and the **disfranchisement** of former Confederates had the delegates deadlocked. An advance in position ameliorated this failure: In June, Louisiana was readmitted to the Union, leaving Texas alone as the Fifth Military District and Reynolds as its commander. His problems only intensified: Pressure grew from Congress for a constitution, organized bands linked to the **Ku Klux Klan** and the Knights of the White Camelia were rampant in the northeast, **American Indian** troubles appeared in the North and West, and the party was deeply divided.

Perhaps finally wearying of the general's political prejudices, Andrew Johnson removed Reynolds in late November, naming **E.R.S. Canby** as the new commander. Canby's job was clear: make a new constitution, which he succeeded in doing, but his skill was no match for Reynolds's politics, and by April 1869, Reynolds was back in command of the district; his visit with an old friend who had just been inaugurated as president probably helped with the reinstatement.

From national operator back to Texas power broker, Reynolds threw himself back into the chaos of Texas politics. He took over the Fifth District ready to supervise the fall elections scheduled under Canby's constitution, and found deeper divisions than he ever imagined. Now, Governor Pease had moved to the moderate's wing, siding with former **provisional governor** Andrew Hamilton against more **Radical Republicans** under **Edmund J. Davis**. Reynolds held the balance of power, and used it. Although the particulars remained mired in doubt and controversy, it was "dues time" for the party, and apparently Reynolds finally laid out his price: his support for whichever wing would elect him to the U.S. Senate. Again, details are murky, but Reynolds cast his lot with the Davis faction; perhaps the Pease/Hamilton faction had refused his offer. A spate of removals and appointments followed, so distressing that Governor (and former ally) Pease resigned his office in protest; Reynolds assumed the position as acting military governor. Even during the election for the governor and the legislature Reynolds played a role, throwing out votes that he deemed invalid. As a result, Davis became governor and a pro-Davis, Radical legislature convened in January 1870 in Austin.

This government ratified the **Fourteenth** and **Fifteenth Amendments**, selected its national representatives, and petitioned Congress for readmission, but when Texas reentered the Union in March 1870, one man was missing: General Reynolds had indeed put his name forward for the U.S. Senate, and the legislature seemed amenable to it. When the state and national press questioned the selection of a man who got the legislator's their positions, the body backed away. Reynolds withdrew his name, and soon departed Texas altogether.

The War Department transferred Reynolds to the West, where he remained controversial. His scouting operations against the Sioux Indians in 1874-1875 were poorly implemented and incomplete, and drew an investigation following

the epic defeat of George Custer at the Battle of the Little Big Horn in 1876. Also, in 1875, Reynolds abandoned a wounded soldier after an attack on a Sioux village, and the prisoner was eventually tortured to death. The War Department convened a court of inquiry, and Reynolds resigned from the army. His career ruined, he moved to Washington, where he died in 1899. *See also* Amnesty Proclamations; Black Troops (U.S.C.T.) in the Occupied South; Carpetbaggers; Civil Rights; Congressional Reconstruction; Democratic Party; Elections of 1868; Presidential Reconstruction; Republicans, Moderate; *Texas v. White*; Violence.

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*Richard Zuczek*

### **Ross, Edmund G. (1826-1907)**

Edmund Ross, a native of Ashland, Ohio, a Civil War veteran of the Union army, and a newspaper editor, represented Kansas in the U.S. Senate during the 1868 **impeachment** trial of President **Andrew Johnson**. A Republican, Ross is famous—or some say infamous—for casting his vote to acquit the president.

The majority of Senate Republicans favored President Johnson's conviction on the ostensible basis that he had violated the **Tenure of Office Act**, but they were more frustrated over his efforts to block the **Congressional Reconstruction** program for the South. Although six other Republicans joined Ross in opposing the majority's stance, Ross is the name everyone recalls. This is because the roll call is done alphabetically, and Ross was the last "questionable" senator to vote; all knew every remaining senator's stance, so Ross's vote appeared as the deciding one. Yet, some private journals and personal papers allude to the possibility that, had Ross voted "yea" on conviction, there were other senators who might have changed their vote to "nay" to prevent overturning the executive. Regardless, these seven Republican votes proved crucial to President Johnson's survival in office. As the **U.S. Constitution** requires a two-thirds vote in the Senate to remove an impeached official, the Senate fell one vote shy of convicting and ousting President Johnson.

Ross viewed the **Radical Republicans** as overzealous ideologues bent on destroying the president politically. The president's efforts to halt the Radical agenda, he believed, had neither been unconstitutional nor illegal. According to Ross, the struggle between President Johnson and the Senate Republicans arose from political and policy differences, and such disagreements were not legitimate grounds for removing a federal official. Historians have also suggested that Ross, by voting in President Johnson's favor, may have been concerned about protecting his ability to attract presidential **patronage**, and indeed President Johnson did grant him political favors after the trial. Ross, however, lost support within the Republican Party, leaving the Senate in 1871.

He later argued in his *History of the Impeachment of Andrew Johnson* that he had opposed the Radicals' plan for removing President Johnson out of principle. Later, in the 1880s, Ross served as the territorial governor of New Mexico, having received his appointment from President Grover Cleveland, a Democrat.

President John F. Kennedy, in his 1956 book *Profiles in Courage*, honored Ross by devoting a chapter to his role in the impeachment episode and his subsequent political career. Kennedy won the Pulitzer Prize the following year for his work. *See also* Cabinets, Executive; Democratic National Convention; Elections of 1868; Impeachment Managers; Recusants; Republicans, Moderate; Stanton, Edwin M.; Thomas, Lorenzo; Wade, Benjamin Franklin.

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*James S. Humphreys*

# S

## **Saxton, Rufus (1824–1908)**

Rufus Saxton, a native of Greenfield, Massachusetts, was educated near his home at Deerfield Academy. In 1845, he made cadet at West Point at the age of twenty, graduated in four years, and continued study at Amherst College, receiving a master's degree in 1853. Saxton, whose prior work experience was limited to farming, created a niche for himself within the military. His service prior to the outbreak of the Civil War included battling Seminoles in **Florida**, surveying **railroads** on the frontier and coastal fortifications in the East, and finally serving as an artillery instructor at West Point.

When the war began, Saxton headed an artillery garrison in St. Louis, but later helped General Nathaniel Lyon disband traitorous Missouri state guards, subsequently being named Lyon's chief quartermaster. In July, George McClellan recognized Saxton's organizational skills, using him as quartermaster under him in western Virginia. By September, Saxton was under **William T. Sherman** in Port Royal, **South Carolina**. In spring 1862, Saxton was appointed as brigadier general and commanded defenses around Harper's Ferry, where he later won a medal of honor for his "good conduct" and "distinguished gallantry." Saxton was named a military governor of the Department of the South from 1862 to 1865, and commanded in Beaufort, South Carolina. Training there would serve him well later, especially honing his skills at recruiting and organizing **African Americans**, many former slaves, into the Union ranks.

Saxton's experience with blacks in the South made him a natural selection to assist in organizing and executing the programs of the newly formed **Bureau of Refugees, Freedmen, and Abandoned Lands**. He was appointed assistant commissioner of the entire bureau, and state chief of South Carolina, **Georgia**, and Florida. From his headquarters in Beaufort, Saxton supervised

military and civilian officials who had the task of assisting former slaves, while also combating fiery local whites. Saxton reported that many white South Carolinians were openly hostile to federal authority.

Among his most trying duties was handling the “Sherman reservation” and other abandoned or confiscated properties that were being carved into forty-acre plots for the freedpeople. Described as being handsome and possessing an excellent voice, Saxton displayed his charm in Charleston speaking to a black audience gathered at a local church: “I wish that every colored man, every head of a family in this department to acquire a freehold, a little home he can call his own.” In all, he attempted to partition 485,000 acres among 40,000 African Americans. He outlawed whites from interfering in their work or encroaching on their lands, and used bureau resources to encourage the freedmen to start farming. Ultimately, much of this land eventually found its way back into the hands of former owners, white landlords, or merchant brokers.

Doing his best to get the economy running and stabilize racial relations, Saxton also created district boards, comprised of bureau agents and representatives of both planters and freedmen, so labor **contracts** might be negotiated fairly. He presented “model contracts” and allowed rates of compensation and shares to be determined by those directly involved, with agents mediating over disputes. With available land disappearing and white resistance inescapable, Saxton began encouraging blacks to take up **sharecropping** as a reasonable means of earning a livelihood.

After his time with the bureau, Saxton returned to the quartermaster’s department, helping run depots in Buffalo, Philadelphia, and Jefferson, Kentucky. He retired in the fall of 1888 at the age of sixty-four and died in 1908, being interred at Arlington National Cemetery. His idealism, energy, and ultimate failure was in many ways symbolic of the Freedmen’s Bureau itself, and perhaps Reconstruction overall. *See also* Abolition of Slavery; Agriculture; Amnesty Proclamations; Black Codes; Edisto Island, South Carolina; Field Order No. 15; Freedmen’s Relief Societies; Labor Systems; Loyalty Oaths; Port Royal Experiment; Presidential Reconstruction; U.S. Army and Reconstruction; Violence.

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*Michael P. Gray*

## Scalawags

Scalawag was a pejorative epithet applied to native white southerners who joined the Republican Party during **Congressional Reconstruction**. Far more numerous than **carpetbaggers**, scalawags held a majority of public

offices in the Reconstruction states, far outnumbering northern newcomers and **African American** politicians. In six states—**Texas, Mississippi, Georgia, Alabama, Arkansas, and North Carolina**—they comprised a majority of delegates in the **constitutional conventions** of 1867–1869. Fourteen scalawags were governors during Congressional Reconstruction, totally dominating the executive office in Georgia, North Carolina, **Tennessee**, Texas, and Alabama. Ten scalawags sat in the U.S. Senate and fifty-two in the U.S. House of Representatives. Several thousand served as state legislators, judges, sheriffs, mayors, and in diverse other state and local positions; still others held positions in federal post offices, courts, and custom houses.

Among the most prominent scalawags were Reconstruction governors **William G. Brownlow** of Tennessee (also a U.S. senator), **Edmund J. Davis** of Texas, **Rufus Bullock** of Georgia, **William Woods Holden** of North Carolina, and **James L. Alcorn** of Mississippi (also a U.S. senator). In a few instances, well-known Confederate military heroes became prominent scalawags, notably **James L. Longstreet**, former corps commander in the army of northern Virginia, and Partisan Ranger John S. Mosby.

The word scalawag is traceable to Scalloway, a seaport village in the Shetland Islands of northern Scotland, which in the seventeenth century was eponymous with low-grade livestock. In English and American slang, vagabonds and other shiftless ne'er-do-wells were sometimes called scalawags, too. In the context of Reconstruction, scalawag first appeared sporadically in southern newspapers during the summer of 1867 as a derogatory epithet for all southern Republicans (native whites, blacks, and northerners). By mid-1868, the word was coming into general usage in the southern states, increasingly though as a word specifying native white Republicans. According to the *Richmond Enquirer* in June of that year, “The term ‘scallawag,’ is one that that is derived from the cattle market,” where it is “applied to all of the mean, lean, mangy, hidebound, skin[n]y, worthless cattle in every particular drove.” In recent months, the newspaper observed, the term had taken on political coloration, because it “exactly suited the men who happened to have been born white, in the South, and who had affiliated themselves with negroes and carpet-baggers to degrade their states.”

The role of newspapers such as the *Enquirer* in scripting the white South’s morality-play version of Reconstruction is hard to exaggerate. White editors portrayed scalawags as shiftless poor whites, draft dodgers, and renegades—the scum of southern society motivated by greed, lust for office and black women, and hatred of their social betters. In **Democratic Party** newspapers from Virginia to Texas, scalawags joined carpetbaggers and corrupt, ignorant blacks in an unholy trinity of Reconstruction villainy. While some scalawags such as **South Carolina** governor **Franklin J. Moses** resembled the press stereotype, most did not, and decades of revisionist scholarship has refuted the scalawag legend. The myth persists in popular culture, however, in part because of Hollywood films such as *Birth of a Nation* (1915) and *Gone with the Wind* (1939).

The great majority of scalawags were drawn from the hardcore Unionists of 1860–1861. White southerners, historian David M. Potter has convincingly argued, held dual loyalties simultaneously: They were both Americans and



southerners. Potter's concept of dual loyalties helps explain the choices white southerners made in the secession crisis. Those whose loyalty, or identity, as southerners was uppermost supported or accepted secession and joined the Confederacy. On the other hand, those whose loyalty as Americans superseded their regional loyalty opposed secession unconditionally and became wartime Unionists. Such men cooperated with Union occupation regimes, and no small number joined the Union army; others, far from Union lines, supported the Confederacy as little as possible. With the advent of Congressional Reconstruction, most of these wartime Unionists became Republicans.

As a rule, scalawags lived in subregions of the South disaffected from the plantation regime. The greatest concentration of Unionist-scalawags lived in the hills and mountains of eastern Tennessee, western North Carolina and Virginia, and northwestern Arkansas. Scattered pockets of scalawags also lived in the hill country of Mississippi, Alabama, Georgia, and Louisiana. German immigrant settlements in Texas also counted numerous scalawags as did cities occupied by the Union army during the war. New Orleans, with its German and Irish immigrants and middle-class mercantile and legal community—many of whose members were prewar northern migrants—boasted numerous able scalawags as did Little Rock, Memphis, and Nashville because of their occupation histories.

The reality of scalawags' economic status is almost 180 degrees opposite the legend. Scalawag voters were predominantly small farmers and village tradesmen; the great majority of scalawag leaders were middle-class lawyers, merchants, bankers, planters, engineers, editors, tradesmen, teachers, and so on. Though not quite on a par with the so-called redeemers, their **education** and wealth far exceeded that of most Americans. Moreover, men who bucked the Confederacy as wartime Unionists, then battled conservative white supremacy as Reconstruction Republicans, were anything but unprincipled. On the whole, it took far more courage and conviction to stand against the white majority than it took to join it.

While Unionism explains most scalawags, numerous exceptions refute any all-encompassing explanation. In every state, at least a few wealthy planters, Democrats, and former Whigs defied convention and became Republicans; some were opportunists, others not. **Joseph E. Brown** is a classic example of the scalawag as opportunist. A fire-eating secessionist Democrat, Brown first became a soft-on-the-war thorn in the side of Confederate president **Jefferson Davis**, then a postwar scalawag, then a Democrat again. In the words of one historian, the opportunistic Georgian contrived to be "first in secession, first in reconstruction, and very nearly first in the restoration of Democratic home rule" (Thompson, 223). Pragmatic realism and ostracism pushed **James Longstreet** into the Republican Party. Viewing resistance to Congressional Reconstruction as futile, Longstreet advocated cooperation with the Radical program as a matter of practical common sense. White southerners, however, regarded such sentiments as tantamount to treason and treated the general as an apostate, his status as a Confederate military hero notwithstanding. Shunned by Democrats in New Orleans, where he had moved after the war, Longstreet entered the Republican Party, becoming a major general of **militia** under Louisiana's Republican government.

Like their carpetbagger allies, many scalawags saw the Republican Party as an instrument for overturning the plantation regime and building a progressive **New South** modeled on the northern free **labor system**. “Yankees and Yankee notions are just what we want in this country,” declared a bold North Carolina scalawag. “We want their capital to build factories and workshops. We want their intelligence, their energy and enterprise” (Foner, 299). Scalawags deserve much of the credit for Reconstruction’s liberal reforms: the creation of state-supported free public schools in the South; the elimination of property qualifications on voting, imprisonment for debt, and public whippings; the construction of penitentiaries, orphan and insane asylums, public works, and internal improvements; and black **civil rights**. To be sure, scalawags’ overall record on civil rights compares unfavorably with that of carpetbaggers and black leaders themselves. Scalawags were the most conservative component of the Republican coalition, especially concerning black advancement. This was partly a matter of personal prejudices and partly because the majority of scalawags lived in regions with proportionally smaller black populations, hence more dependent on white votes to keep the Republican Party in power. Scalawag leaders such as Mississippi’s James L. Alcorn and Georgia’s Joseph E. Brown displayed no real commitment to black rights. Indeed, scalawag hostility to black office holding in Brown’s Georgia condemned the state to early redemption in 1871. Scalawags’ commitment to black rights in Tennessee, North Carolina, and Virginia was also tepid. By 1871, a combination of scalawag defections and ex-Confederates regaining their voting rights had ended Reconstruction in all three states. On the other hand, given their starting point in the slave regime, a scalawag minority made progress toward fuller acceptance of blacks’ legal and political rights, as well as recognition of their innate dignity as human beings.

When Reconstruction ended, some scalawags left the South. “I took **Greeley**’s advice and went West,” wrote a Louisiana judge, “in the search of an Eldorado” (Tunnell, *Edge of the Sword*, 297). A Texas scalawag named Albert Parsons moved to Chicago where he became an anarchist and champion of labor. In a miscarriage of justice, he was executed for his alleged participation in the 1886 Haymarket Square bombing. The great majority of scalawags, though, remained in the South. White southern society was largely forgiving of white Republicans who had been labeled tyrants and traitors during Reconstruction. Former Texas governor Edmund J. Davis practiced law in Austin and, as a Republican, ran unsuccessfully for governor in 1880 and Congress in 1882. After fleeing Georgia, ex-governor Rufus Bullock returned to become president of the Atlanta chamber of commerce. James Longstreet returned to Georgia where he had grown up and held a succession of federal offices including U.S. minister to Turkey, U.S. marshal, and U.S. **railroad** commissioner. With periodic excursions into Readjusterism, Populism, socialism, and other fusion movements, the farmers and herdsmen of the mountain South remained the backbone of the southern Republican Party for nearly a century after Reconstruction. *See also* Black Politicians; Black Suffrage; Bourbons; Loyalty Oaths; Provisional Governors; Scandals; Union League of America.

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*Ted Tunnell*

## Scandals

For popular historians, Reconstruction was nothing but scandals. The vibrant economic atmosphere of the post-Civil War period, mixed with a lack of government regulation and a surplus of **patronage** positions and "spoils" relationships, produced the perfect environment for fraud and malfeasance. Whether in Washington, D.C., across the Reconstruction South, or in private and public businesses nationwide, corruption was pervasive.

Many of the most famous scandals were tied directly to the federal government. The "Whiskey Ring" conspiracy, a complex payoff system between whiskey distillers and internal revenue service agents cheated the government out of thousands in excise taxes (or liquor taxes). Bribes and kickbacks extended to John McDonald, internal revenue collector for St. Louis, and even as far as President **Ulysses S. Grant's** private secretary, Orville E. Babcock.

Perhaps the most notorious affair was the Credit Mobilier scandal. Credit Mobilier was a construction company that helped build the Union Pacific **Railroad**, but overcharged for supplies and took bonds in repayment—bonds financed in large part by the U.S. government. Shares in Credit Mobilier were spread among influential congressmen, perhaps to buy influence for the line, or simply because it was a deal too good to miss, and because one of the officers in the line, Oakes Ames, was a Massachusetts congressman. Among the beneficiaries were Speaker of the House **Schuyler Colfax**, **James A. Garfield**, William D. "Pig Iron" Kelley, and Senator **Henry Wilson** of Massachusetts. Democratic minority leader James Brooks of New York used his influence to win himself the place of government director on the road. (In the ensuing investigation, he and Ames were the only ones censured. The others were cleared, which, as Ames commented, was like a jury that convicted the man of adultery and cleared the woman of any wrongdoing.)

Other lesser incidents continued to plague the government. The wife of Grant's secretary of war, William W. Belknap, took regular payments from one of the sutlers for whom she had arranged a lucrative trading post contract at Fort Sill. Confronted with the evidence, Belknap resigned in an unsuccessful

effort to escape impeachment. Secretary of the Navy George M. Robeson was thought to have profited generously from his relationship with contractors, while the U.S. Navy fell into decay and ruin. Robert C. Schenck, minister to Great Britain, acted as a shill for the Emma Silver mine, which subsequently went broke. Speaker of the House **James G. Blaine** muscled Jay Cooke's banking house for special loans, which the banker, with legislation before Congress, found hard to refuse. Blaine managed to get a generous deal for marketing bonds in the Little Rock and Fort Smith Railroad, after having reminded its officers of how much they owed him for a timely recognition of their friends on the floor and of what help he might be able to tender in the future. Congressmen about to leave office forever voted to raise their pay retroactively for the past two years in the "salary grab." Pious bankers had fleeced the **Freedman's Savings and Trust Company** to finance their western railroad schemes. Alexander Shepherd, a bustling promoter, contracted with the government to mount a tremendous construction program, as notorious for its waste and incompetence as for its apparent corruption. Attorney General George Williams used public funds to buy himself a fancy private coach. Special Treasury Agent John D. Sanborn was given a contract to collect delinquent taxes and instructed to take a generous share for himself. The New York custom house specialized in shakedowns of merchants for fines, and of its own employees for campaign contributions. There were even unfounded allegations that millions of dollars of Russia's purchase price for Alaska had gone to greasing palms of influential congressmen when the treaty came up for a vote. Even the minister to Brazil, James Watson Webb, was accused of stealing moneys due to other claimants, though in his case, the loser was the government of Brazil. For good reason, one Democrat gibed that the Republican platform was nothing more than a conjugation of the verb "to steal."

In fact, the scandals outside Washington were just as bad. Many of them happened in the reconstructed southern states. The worst looting was in **Louisiana** and **South Carolina**, where Governor **Frank Moses, Jr.**, sold **pardons**, and where padded expense accounts gave impecunious lawmakers the best cigars, whiskey, and furniture that the taxpayers could buy. Corruption in New Orleans, as the governor admitted, was "the fashion," but only a few states were wholly clean (**Mississippi** came close), and the greatest gainers may not have been **carpetbaggers** so much as native whites, especially the bribe-givers who took lavish giveaways and government largesse for their pains. State-owned railroads were sold to private firms, sometimes including public officials acting in a private capacity. An honest state election in Louisiana was as precious as jewels, and for the same reason: scarcity. By 1876, there had been disputed elections and attempts at dual governments—in a few cases, bringing on outright civil war—in Louisiana, **Alabama**, **Florida**, and **Arkansas**.

Northern states were not much better. Pennsylvania legislative corruption was nationally infamous, as was its state treasurer's boasted experience in the three great political virtues: "addition, division, and silence." Senatorial elections in Kansas were saturnalias of bribe offering. One of the more successful contenders, Samuel S. "Subsidy Pom" Pomeroy, attempted to solicit a bribe

from President **Andrew Johnson** in return for a vote for acquittal at the president's **impeachment** trial. Pomeroy was so infamous that Mark Twain immortalized him as the oily senator Abner Dilworthy in Twain and Charles Dudley Warner's *Gilded Age*. Republicans could point to Democratic rascality just as bad in New York's **Tweed** Ring or in the vote buying for railroad measures in **Virginia** in the early 1870s.

Of course, some of the scandals were exaggerated by the press, which should not be surprising. Intensely partisan, many newspapers had special reasons for seeing the worst in a Grant administration that they longed to be rid of. At the time, assessing officeholders a share of their salary for political purposes was perfectly legal, as was the hiring of special agents who worked for a share of the take. The attorney general's landau was the pettiest kind of expense account padding and even Alexander Shepherd's excesses may have been incompetence more than graft. Quite possibly Belknap did not know of the payments to his wife until the night before his resignation, and it is certain that President Grant himself shared in none of the corruption. The allegations about Alaska were concocted by a reporter furious when his attempt to shake down lobbyists for the treaty ended in his being kicked down a staircase.

The scandals had more significant consequences than the loss of public moneys. They helped convince voters that government aid to railroad construction was too crooked to be continued. They began a crusade to put the civil service on a professional basis with appointments and promotions based on merit, rather than on partisan service. Revelations in New York and Washington persuaded reformers that **suffrage** should be limited to property holders and that some administrative functions should be passed to nonpartisan, unelected agencies. Everywhere, cries about stealing gave lawmakers the excuse to cut spending, even for necessary purposes like the army and navy, and for constitutional conventions to write new fundamental laws hemming in the state and city governments' power to tax, borrow, spend, or act at all. Of course, during Reconstruction, charges of corruption became one of the strongest weapons in conservative white Democrats' arsenal against governments elected with the help of black southerners. They also gave uneasy Republicans in the North one more reason for abandoning federal action on behalf of the "carpetbag" governments in the South. *See also* Cincinnati Convention; Nast, Thomas; Panic of 1873; Redemption; Republicans, Liberal; Scott, Thomas; Taxpayers' Conventions.

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*Mark W. Summers*

**SCC.** *See* Southern Claims Commission.

### **Schofield, John M. (1831–1906)**

A general in the **U.S. Army** during and after the Civil War, John M. Schofield filled a number of important governmental positions during Reconstruction,

including special envoy to France in 1865, commander of the Department of the Potomac in 1866, secretary of war from 1868 to 1869, and superintendent at West Point from 1876 to 1881. As a commander in the postwar South, Schofield advocated a moderate approach to Reconstruction and governed accordingly.

Schofield was born on September 29, 1831, in Chautauqua County, New York, into the family of a Baptist minister. In 1843, Schofield's family moved to Freeport, Illinois. Schofield received an appointment to West Point in 1849, and graduated seventh in his class in 1853. In the 1850s, he taught at both West Point and Washington University in St. Louis.

Schofield joined the ranks of the Union army in 1861 as a major in the First Missouri Infantry and served throughout the war in several command positions, most notably under **William T. Sherman** in his Atlanta campaign and in defense of Franklin, and Nashville, **Tennessee**, in late 1864. He rose to the rank of brevet major general by the end of the war.

Following the war, President **Andrew Johnson** sent Schofield to France to negotiate the removal of French troops from Mexico. Schofield persuaded Napoleon III that the presence of 20,000 French soldiers supporting a puppet regime in Mexico was a violation of the Monroe Doctrine. His diplomacy, plus the thousands of veteran troops that the United States had standing by, convinced the French emperor to withdraw his soldiers and his support from Maximilian, the imposed Mexican leader. Without French support, Maximilian's regime collapsed, and he was executed.

Schofield did not always agree with prominent Republican political leaders about how to reconstruct the South. In August 1866, Schofield was assigned to command the Department of the Potomac, which included the state of **Virginia**. He remained in charge there when Virginia became the First Military District under the **Military Reconstruction Act** of March 1867. As commander of this defeated state, Schofield supervised the recreation of state government and encouraged the state's ratification of the **Fourteenth Amendment**. He did not support, however, the disqualification of all former Confederate supporters from public office. Schofield believed that these were the educated, experienced people whom southern whites trusted the most, and he feared that removing them from the political process would further alienate the South. He also doubted the efficacy of granting **suffrage** to all **African American** men, many of whom were not well informed about government or current political matters. A solid professional soldier, he carried out his orders, walking a careful line between congressional intentions he did not fully support, and the desires of his commander in chief, who leaned too far toward the conservative approach. Although he was careful to show impartiality to both blacks and whites, Schofield took steps to mitigate the effects of the Military Reconstruction Acts in Virginia, and his actions were instrumental in later restoring white, conservative rule to the state.

This moderation did not escape President Johnson. It was probably for this reason that President Johnson tapped Schofield to be secretary of war in 1868, following his removal of **Edwin Stanton** and subsequent **impeachment** trial. Schofield was no friend of the **Radical Republicans**, but the Senate found little reason to oppose his nomination. He was confirmed, and served for the remainder of Johnson's presidency.

Later, Schofield served as superintendent of West Point (1876 to 1881) and as general in chief of the army from 1888 to 1895. Schofield died in St. Augustine, Florida, on March 4, 1906, and was buried in Arlington National Cemetery. *See also* Black Suffrage; Cabinets, Executive; Civil Rights Act of 1866; Congressional Reconstruction; Disfranchisement; Grant, Ulysses S.; Readmission; Redemption; Republicans, Moderate; Tenure of Office Act.

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*Amy Feely Morsman*

### **Schurz, Carl (1829–1906)**

Carl Schurz, German American immigrant leader, major general, senator from Missouri, and secretary of the interior, was born in Liblar, Germany, the son of a schoolteacher and his wife, the daughter of the local count's tenant in chief. Educated at the University of Bonn, he became a fervent supporter of the revolution of 1848, fought in southern Germany, and managed to escape to France to prevent his capture by the Prussians. He returned to Germany to free his professor, Gottfried Kinkel, whom he spirited away to Scotland, and in 1852, came to the United States. Settling in Watertown, Wisconsin, with his new wife, Margarete Meyer, the daughter of a wealthy Hamburg merchant, he dabbled in journalism and became a spokesman for the Republican Party.

Unsuccessful in his quest for the lieutenant governorship in 1857, he sought to obtain the governorship two years later but was not nominated. In 1860, he served as chair of the Wisconsin delegation to the Republican convention and then campaigned vigorously for **Abraham Lincoln**, who rewarded him with the ministry to Spain. Returning in 1861 to become a brigadier and later a major general, he took part in battles of the Second Bull Run, Chancellorsville, Gettysburg, and in Tennessee, where differences with Joseph Hooker practically ended his military career, though he served as chief of staff of the 20th Corps at the end of the conflict.

After the war, Schurz took a trip to the South for President **Andrew Johnson**, but severely criticized his policies in a scathing report, which the **Radical Republicans** used as a campaign document. Becoming an editor of the *Westliche Post*, Schurz moved to St. Louis, and in 1869, was elected U.S. senator from that state. He soon fell out with President **Ulysses S. Grant**, with whose foreign policy, Reconstruction measures, and civil service failures he disagreed, even voting against the **Ku Klux Klan** Act, and became one of the founders and leaders of the **Liberal Republicans**. Presiding over the Liberal Republican's **Cincinnati Convention** in 1872, he was disappointed at the nomination of **Horace Greeley** but reluctantly campaigned for him.

As an avid supporter of **Rutherford B. Hayes**, he became secretary of the interior in the latter's cabinet, a position in which he furthered civil service reform, stood for the conservation of natural resources, and sought to improve

**American Indian** policies. Moving to New York after his term of office, together with **E. L. Godkin** and Horace White, he accepted the editorship of the New York *Evening Post*. His chief interest became civil service reform, and when the Republicans nominated **James G. Blaine** for president in 1884, he bolted, and as one of the Mugwumps, supported the Democrat, Grover Cleveland. In his later years, he wrote for *Harper's Weekly*, represented the Hamburg-America Line, and after 1898, became a fervent anti-imperialist and sought to renew his advocacy of **civil rights** for **African Americans** in the South. The most influential German American of his time, Schurz showed his countrymen how to become good Americans while retaining their German heritage. He died in New York in 1906. *See also* Enforcement Acts (1870, 1871).

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*Hans L. Trefousse*

### **Scott, Robert K. (1826–1900)**

**Carpetbag** governor of **South Carolina** from 1868 to 1872, Scott was born into a Pennsylvania family with a tradition of military service. After attending college and medical school in Columbus, Ohio, Scott moved to California to prospect for gold. Failing that, he returned to Ohio where he prospered as a doctor and land speculator, marrying the former Rebecca Jane Lowry. At the outbreak of the Civil War, he entered the army as a major. He organized the Sixty-eighth Ohio Infantry and fought in major engagements including Shiloh, where he had his horse shot from under him. Taken prisoner at Atlanta, he first came to Charleston, South Carolina, as a prisoner of war. After the Confederate surrender, he was appointed assistant commissioner for South Carolina of the **Bureau of Freedmen, Refugees, and Abandoned Lands** (Freedmen's Bureau). In that capacity, he adjudicated thousands of land titles in the Sea Islands, where former white owners and black slaves both claimed property rights. Scott earned praise from the press of both parties for his service in the bureau.

Scott resigned from the army in July 1868 to accept the nomination of the Republican Party for governor of South Carolina. He won easily—the state had a large black majority, and many white Democrats boycotted the election. As the state's first Republican governor, Scott proved unable to solve the two major problems besetting the state: poverty and **violence**. His attempts to attract northern investment in southern development proved futile, and his management of the state's finances was negligent if not fraudulent. As governor and as a member of the state's three-person financial board, Scott authorized the overissue of state bonds and the use of them as collateral for high-interest loans. When these schemes failed, the state's debt burden, large to begin with, became unbearable; it was left to Scott's successors to oversee the repudiation of much of this debt.



Meanwhile, Scott's government also failed in the effort to protect South Carolina Republicans from violence at the hands of Democratic terror groups like the **Ku Klux Klan**. Scores of Republicans, including several elected officials, were murdered by these groups; hundreds were assaulted, and almost all lived in fear. Scott made several efforts to protect his constituents; he commissioned and armed a state **militia**, trial justices, and constables who would attempt to uphold the law. The Klan's reign of terror did not abate, however, until President **Ulysses S. Grant** invoked the recently passed **Enforcement Acts** and suspended the writ of habeas corpus in several upcountry counties of South Carolina. Arrests by federal soldiers and Justice Department marshals—and, perhaps equally important, the ensuing calls for restraint by leading white Democrats—eventually ended Klan outrages. Despite Scott's conviction that “the continued presence of the military is a reproach to a Republican State,” neither he nor his successors were able to ensure law and order in South Carolina without the use of federal troops.

As governor, Scott was the most powerful Republican in the state, but he had many factional enemies in the party. In 1871, his enemies made an attempt to impeach him on corruption charges stemming from the bond fiasco and other fraudulent official commissions with which he was connected. The move for impeachment came to a vote in the state House of Representatives, but it was foiled amidst the bribery of several legislators. It is unclear what role Scott had in the bribery, and it is almost certain that impeachment would have failed regardless, but the incident did Scott no credit. Nonetheless, Scott was reelected to the governor's chair in 1870. On the larger issue of his commission of frauds, it seems certain that Scott bore a large share of the responsibility for the fiscal disasters that took place during his administration; however, it is less sure that he profited personally from any frauds. He did not, as it was alleged in the *New York Herald*, steal his personal fortune from the state of South Carolina. He was wealthy before the war, and in 1866, even made the preposterous claim that he had \$100,000 at his command at any time.

After the expiration of his second term as governor and a failed run for the U.S. Senate, Scott remained in Columbia, South Carolina, but retired from politics and turned to real estate. More successful in business than in public service, Scott continued to lend money to friends and even enemies—in 1871 and 1877, he lent money to R. B. Carpenter, who as a Reform Party candidate for governor in 1870 had accused Scott of fraud. It seemed he no longer cared about politics, or at least had shifted views from his days as an eager Freedmen's Bureau operative: By 1876, Scott had decided that **black suffrage** had been a mistake, and even lent his influence to **Wade Hampton's** attempt to restore native white rule and white supremacy to South Carolina.

Following the victory of Hampton and his **Red Shirts** and the **Redemption** of the state, Scott returned to Henry County, Ohio, in 1877. He made headlines once more, in 1880, when he shot and killed a drinking companion of his son, Robert, Jr. He was acquitted the following year, as the shooting was ruled an accident. Scott continued in the real estate business until his death in 1900. *See also* Congressional Reconstruction; Edisto Island, South Carolina; Field Order No. 15; Forrest, Nathan Bedford; Gordon, John B.; Military

Reconstruction Acts; Port Royal Experiment; Readmission; Scandals; U.S. Army and Reconstruction.

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*Hyman Rubin III*

### Scott, Thomas (1823–1881)

A notorious Pennsylvania **railroad** mogul, Thomas Scott became a prominent figure in American history during the Reconstruction era for his quasi-monopoly over U.S. railway lines. Thomas Scott's Pennsylvania Railroad Company dominated the American transport system because it established the first direct route from Washington to New York. Although Scott's contributions to American culture were significant, little remains known of him.

Thomas Scott's power emerged during the Reconstruction period, when he acquired travel rights across the American eastern seaboard, ending a long-standing rate war between the Pennsylvania Railroad Company and the Ohio Railroad Company. Just before and even during the Civil War, John W. Garret, president of the Ohio and Baltimore Railroad line, clashed with Scott for control over the only direct route to Washington, D.C. Shortly after the war, Scott and Garret reached an agreement, but still remained fairly at odds. It was only in 1871 that Scott began building southward rail lines because he realized that expanding his business southward would increase his profit margin. Scott later won the right to extend his Baltimore and Potomac Railroad toward Baltimore and Washington. By 1873, Scott's project was finished and followed with a congressional grant to tunnel Capitol Hill. Garret's Baltimore and Ohio rail lines filed for bankruptcy, partly because Scott now owned exclusive rights over the only direct line to Washington. American and foreign politicians traveled to Washington and across the United States on Scott's line. Scott utilized this monopoly to establish political connections that would later aid his grant applications for funding future ventures.

Scott used the "holding company" style of management to maintain his power. The holding company permitted Scott to protect his corporate interests by calming public concerns through time-consuming debates and board hearings. Scott's contemporaries nicknamed him the "prince" and "king" for practicing an "economic realism" (Benson and Rossman, 10) that "New Dealers" would condemn a half century later, but his nefarious dealings with politicians and his harsh and often unfeeling treatment of his workers made many fear him and no one like him. Not surprisingly, railroad workers employed in Scott's facilities were typically discontent with their labor conditions. On July 31, 1877, employees at the western division of the Pennsylvania

Railroad Company at Pittsburgh commenced strike action. Worker's cited the double train policy and salary cuts as their prime complaints. Scott's refusal to address the work stoppage went as far as denying that the media ever contacted him for commentary or that he was even aware of his employee's dissatisfaction. State and federal action finally resolved the strike—and Scott swiftly struck back at the laborers. Scott emerged victorious because the Pennsylvania Railroad Company's board of directors reported zero profits to its shareholders, justifying the lowering of employee wages even further. The company simply allocated monetary losses to others while conceding no power.

While not directly involved in Reconstruction policy or the reconstitution of the southern states, Scott's activities during this time reflected many of the prominent aspects of the period. His wealth was due to the wartime and postwar economic boom, the need for logistical and transportation construction, and the growth of the federal government in the development of the nation. Unfortunately, for all the economic progress he helped instill, Scott also stood for an age of greed, **scandal**, and corruption that still staggers the mind. *See also* Agriculture; Gould, Jay; Labor Systems; New South; Panic of 1873; Stalwarts; Tweed, William M.

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*Gerardo Del Guercio*

### **Seward, William H. (1801–1872)**

William Henry Seward and **Charles Sumner** were Americans whose lives bridged two worlds: one was destroyed and the other created by the Civil War and Reconstruction. While these intense moralists cooperated in a mutual fight against slavery and related injustices, there also existed a clear tension between them. That same tension, possibly created from political ambition and competitive personalities, made Seward and **Abraham Lincoln** rivals pursuing the same goals. Such men as Seward and Sumner were just behind Lincoln in their impact on the events and trends of the era.

#### ***As a Youth***

Seward was born in Florida, New York, in the so called "Burnt-over District," an area of the Empire State home to a multitude of reforms and reformers that populated the social landscape. Seward's background was middle class. His father was Samuel Sweezy Seward, a successful farmer and land speculator; Mary Jennings was his mother. Seward's mind was quick and he had a free spirit. Indicative of that trait, he taught school in rural **Georgia** for a semester before he graduated from Union College in 1820.

Seward read law with several successful law firms in Goshen and New York City for a few years. He moved to Auburn, and in 1824 married Frances Adeline Miller, the daughter of his law partner; they had five children. She influenced Seward on many issues including directing him toward antislavery in politics. During their married years, however, Seward's strong political ambitions led to long absences that caused stress in their relationship.

### *An Aggressive Reformer*

During the course of his career, Seward created, contributed to, or joined several political organizations and parties. His ideological migration is instructive in understanding the dynamic situation that led to the eventual Civil War, as well as Seward's role in these events. Important to understanding Seward's interests is acknowledging an important influence on him, Thurlow Weed. A self-made newspaper owner whose political talents were in coalition building and organization, Weed met Seward in the 1820s during the anti-Masonic agitation. They became close friends and strong political allies for the remainder of their lives. They moved in lockstep in their progress toward national positions of power and authority. In his political and business life, Weed practiced the art of "honest graft and dishonest graft," a distinction that George Washington Plunkitt later made famous. Honest graft is information that benefits a person and is open to all via its ready availability (economic consequence is time sensitive), while dishonest graft is just the raw use of money and/or **patronage** to achieve an objective. Weed was a master at the art. The political realist, Weed kept Seward focused toward a goal at hand. The goal always seemed to be the same: political office.

In the 1820s, as the Jefferson Republicans split, Seward followed the national wing but switched to the Anti-Masonic Party when that organization began growing in number, particularly in upstate New York. Anti-Masons brought Weed and Seward together. With Weed's newspapers supporting him, Seward's first office was a four-year term in the state senate. After one gubernatorial defeat, Seward successfully won the office, and served as governor of New York from 1838 to 1843.

Seward was an active governor. Improving public transportation and public **education** were his twin goals. The legislature was not as reform-minded and was uncooperative—fearing debt and sectarian and ethnic hostilities in the new public schools. Prison reform was another objective of Seward's. He also advocated temperance and laws limiting the impact of slavery on New York's legal system. He particularly worried about fugitive slave laws and their effect on the New York court system and citizens. Although always ready to protect himself and his political career, Seward displayed an aggressive, progressive stance as governor.

The most controversial reform movement in nineteenth-century America was antislavery. At the state level, Seward and Weed used political party organization and agitation to promote the antislavery position, but Seward realized real power came only through a national focus, and sought to create a national party centered on stopping the extension of slavery. Complex factors hampered the effort. The North was racist and ill-informed, and talk of

stopping the expansion of slavery was easily manipulated in charges of black equality. So too, people speaking of antislavery were compared with the **abolitionists**, who went beyond antislavery and pushed for the institution's total eradication. Politics also afforded no easy platform. With the decline of the anti-Masons, a new party system had emerged, pitting the **Democratic Party** against the Whig Party. The Whig Party's platform on slavery was weak and contradictory, as the party found itself torn between rival actions, the "cotton" and the "conscience" Whigs.

In 1849, the Whigs took control of the New York legislature and Seward became a U.S. senator. In his first major speech, Seward argued that both the **U.S. Constitution** and a "higher law" prevented the expansion of slavery into the American West. Free labor was the moral means to the settlement of the frontier. Antislavery supporters were pleased; his foes heard only words of an extremist. Seward watched from the Senate as the so-called Compromise of 1850 did little to please anyone, and only succeeded in dooming the Whig Party. There seemed only one issue in the country, the expansion of slavery. Votes were now decided by where you lived, not what party you belonged to. Since most Democrats favored the expansion of slavery westward, northern Democrats and northern Whigs found themselves in concert: Slavery had to be stopped.

### *The Republican Secretary of State*

The opportunity for Union came with the Kansas-Nebraska Act of 1854, which outraged many in the North, including Seward. Soon, Seward found himself as a central player in organizing an entirely new national party, the Republicans. In the process, Seward became a leader in the new Republican Party. Some pushed forward Seward's name for a presidential nomination as early as 1856, but he did not run. Instead, he spend the next years developing alliances and organizing the party faithful, knowing a real chance would come when the party was more fully developed, in 1860. Seward was crushed when Abraham Lincoln received the nomination.

The Lincoln-Seward relationship was complex but creative for the United States during the war. Until quite late, Seward did not believe that the southern states would really leave the Union. Appointed secretary of state by Lincoln, Seward was one of the many choices that fulfilled Lincoln's famous adage, "Keep your friends close, and your enemies closer." Seward was more senior, more recognized, more experienced, and far more Radical than Lincoln. Seward, in fact, quickly tried to take advantage of the opportunity and parlay the position into a sort of de facto "prime minister." Believing Lincoln was in over his head and not ready to run a country at war, Seward considered himself the actual executive authority, while Lincoln served as a façade, the nominal head of government. Lincoln sensed this usurpation very early in the war, and swiftly yet delicately made clear to Seward who had been elected president of the United States. Clashes did continue—such as when Seward advocated war with Great Britain as a patriotic crisis that would reunite the disloyal states—but Lincoln always remained in control.

Once the personnel and policy misunderstandings were aired, Seward served as a loyal and effective secretary of state. Seward's appointment to the

**cabinet** turned on his power in domestic politics but in the fullness of time, his achievements in foreign policy fixed his significant place in history. Faking a public reckless, Seward with caution kept England and France diplomatically off balance. With Lincoln's guidance, he resolved the Trent Affair quickly and quietly, and was instrumental in the greatest diplomatic achievement of the century—keeping England and France out of the Civil War. Despite every possible cajoling, bribing, and coercion on the part of the Confederacy, the European powers never recognized the Confederacy itself and lent only minimal aid to the cause.

Lincoln sought his elder's advice in all areas of policy, knowing Seward was intelligent, honest, and most important, different from Lincoln. For instance, Seward disagreed with the president's issuance of the **Emancipation Proclamation**, and as the years passed, Seward grew more "conservative" as Lincoln became bolder. Despite their differences, a mutual respect had developed, and Lincoln's death was a terrible shock to him. The **assassination** was also supposed to include Seward (and his son), but that part of the plot was unsuccessful.

### *After the Civil War*

The new president, **Andrew Johnson**, retained Lincoln's cabinet, so Seward remained as secretary of state through the end of Johnson's presidency. Perhaps mellowed by years of war and destruction, Seward favored a modest Reconstruction policy, perhaps reflecting the impact that President Lincoln had on him. Fellow senior Republicans, including **Charles Sumner**, publicly criticized Seward's stance. By the war's end, Seward had come to support **abolition** and the **Thirteenth Amendment**, but did not approve of the **Fourteenth Amendment**. These similarities between his beliefs and Johnson's did little to solidify a relationship; Seward's dealings with Andrew Johnson were singularly unsuccessful.

His only noteworthy accomplishment under the Johnson administration is perhaps the deal for which he was most criticized at the time. A foreign policy expansionist, in 1867, Seward convinced the president and the Senate—neither of which favored him highly—to buy Alaska from Russia. A defensive purchase designed to protect fishing rights and head off Russian or British encroachments, no one knew the incredible windfall Alaska would bring. Only the Louisiana Purchase can match it in term of its value and benefit to the country. Seward was less successful with his plans to purchase Hawaii and various islands in the Caribbean, but these initiatives demonstrated that once again he was ahead of his time.

Seward's personal life was never very happy. He never fully recovered from a carriage accident in 1865, and his wife and favorite daughter died within a year of each other. At his death, his autobiography was still incomplete.

Idealist and political deal maker, Seward was a fascinating American filled with vision but tainted by a bit of the vice of hubris. His relationship with Lincoln secured his place in history, and helped secure the survival of the United States. When he died in Auburn, his hometown, he had many critics

and admirers, as he does to this day. *See also* Adams, Charles Francis, Jr.; Adams, Charles Francis, Sr.; Confiscation Acts; Presidential Reconstruction; Republicans, Radical.

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Donald K. Pickens

### Seymour, Horatio (1810–1886)

Horatio Seymour was born in Pompey Hill, New York, the oldest son of an entrepreneur and his wife, the daughter of a wealthy landowner. Seymour studied law in Utica, where he graduated in 1832. The following year, he became active in state **Democratic Party** politics, working under the tutelage of William L. Marcy, a member of the Albany Regency, one of America's first political machines. Seymour's political career skyrocketed in the 1840s. He won a seat in the state assembly (New York State Legislature) in 1841, and served as mayor of Utica in 1842. Three years later, Seymour became Speaker of the assembly.

During the late 1840s and 1850s, Seymour belonged to Marcy's Hunkers, a conservative Democratic faction in New York supporting the expansion of slavery into the territories. Seymour became governor in 1852, but was unable to win reelection, largely due to his opposition to nativism and state prohibition. After this disappointing loss, he returned to his law practice and other business pursuits until 1860. By then a member of the Democratic Party's "soft" wing, Seymour embraced Illinois senator Stephen A. Douglas's fight for popular sovereignty in the territories. He campaigned for Douglas in the 1860 presidential election and, after the fall of Ft. Sumter in April 1861, cautiously supported the Union war effort.

Seymour became governor of New York again in 1862, as the war waged on. Governor Seymour, who feared the expansion of federal power, gradually drifted further and further from his already-lukewarm support of the war and the new Republican administration. He battled often with Republican president **Abraham Lincoln**, and the hostility intensified in 1863 with the Emancipation Proclamation and the first federal draft. Seymour became an outspoken opponent of **emancipation**, believing that if the federal government dictated the **abolition of slavery**, "then the people of the South should be allowed to withdraw themselves from the government which cannot give them the protection guaranteed by its terms." In a speech on July 4, 1863, Seymour compared Lincoln to King Charles I and denounced conscription (the draft) as unconstitutional. This speech added to working-class New Yorkers' resentment of the National Draft Act, and enflamed racial tensions

already existing in the city. Only days afterward, New York whites, mostly lower-class Irish immigrants, began to riot in the streets, attacking draft centers, governmental offices, and especially blacks. The New York City draft riots were the most violent and bloody antiwar protests seen during the Civil War. The federal government dispatched Union troops from Gettysburg to New York to finally crush the mayhem. At least 105 people died in the rioting and the army's suppression. Many Republicans blamed Seymour's intemperate remarks and general antiwar position for the **violence**.

Not surprisingly, after the Civil War, Seymour emerged as one of the Democratic Party's leading spokesmen. He ceaselessly criticized **Radical Republicans**, and emerged as an ardent supporter of **Andrew Johnson**, a war Democrat who had become president after Lincoln's **assassination** in April 1865. Like Johnson, he opposed **black suffrage**, special "class legislation," and any extreme expression or extension of federal power. By 1868, Seymour was popular enough to earn the Democratic nomination for president, creating a certain awkwardness between the advisor and the executive, since Johnson himself was naively angling for the nomination. Republicans, in turn, rejoiced. Secretary of State **William Seward** believed that Democrats "could have nominated no candidate who would have taken away fewer Republican votes." Seymour's behavior as governor during the Civil War, combined with his close ties to New York financiers, made it impossible for him to gain the support of veterans and westerners. Nor did his running mate, **Francis Blair, Jr.** ("Frank"), help matters. Blair, even more conservative and anti-Republican than his father, embarked on a disastrous speaking campaign, declaring **Congressional Reconstruction** an unconstitutional atrocity and that force should be used to overthrow Radical Republicans in the South. Republicans shrewdly countered by nominating Union general and war hero **Ulysses S. Grant** for president, and encouraged—probably unnecessarily—voters to rally behind the savior of the Union. Although Seymour lost the election, he received a surprising 47 percent of the vote, the highest Democratic showing since 1852.

Through the 1870s, Seymour remained an elder statesman in the party, and continued to mentor rising Democrats like **Samuel J. Tilden**. Seymour died in Utica in 1886. *See also* Blair, Francis P., Sr.; Democratic National Convention; Elections of 1868; Elections of 1876; National Union Movement; Presidential Reconstruction; Redemption; U.S. Army and Reconstruction.

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*Bruce E. Stewart*

## Sharecropping

Sharecropping is a form of tenant farming designed to allow access to land for people lacking cash or capital. They work in exchange for a rental payment, and receive a "share" of the "crop" in exchange. Ownership of crops produced and terms of rental payment are defined by **contract** and local law.



Scholars disagree on the social meanings of sharecropping in global **agri-culture**. For some, it marks a transitional stage between rural landownership and proletarianization. Others characterize the transition as a rung on the “agricultural ladder” toward (or away from) independent profit-minded tillage. In other instances, where farming is considered less a business and more a way of life, sharecroppers are often considered economic and cultural misfits. All these perspectives have informed the discussion of sharecropping in the post-Civil War South.

From the colonial era, sharecropping played a significant and increasing part in southern agriculture. Because of recent scholarship, views on the sturdiness of independent white yeoman culture has crumbled before statistics showing high levels of agricultural tenancy, particularly in the coastal states. As yet, however, debate is hampered by a failure of consensus on how to determine levels of tenancy, and what surprisingly high numbers might mean. Some claim that sharecropping was a stage of life young farmers endured as they climbed up toward independence. Others assert that most sharecroppers remained mired or slid downward during the late antebellum period, or abandoned tillage and headed west. Such high levels of sharecropping, though, look ominous for those who consider it a mode of upward mobility.

### ***Land, Labor, and Reconstruction***

It is clear that **African Americans** embraced sharecropping wherever they could as a means to attain social and economic independence. Following **emancipation** and the **Thirteenth Amendment**, few blacks could reconcile ideas of freedom with being subservient to wages distributed by white landowners. Republican ideology had long equated liberty with independent property holding, and former slaves understood that land tenure would be the bedrock of black freedom. As early as November 1861, slaves in the coastal region of **Georgia** and **South Carolina** took freedom into their own hands when they came under the protection of Union troops. When white plantation owners fled the area after the arrival of federal forces, freed blacks simply occupied patches of land, hoping eventually to be awarded or allowed to purchase their acreage. In nearly all cases, the familial household became the basic labor unit. Almost no freedpeople sought to continue the task system or gang labor methods slaveholders used. In localities where existing market crop choice precluded family-based tillage, African Americans usually switched crops or opted out of market production altogether. In the Sea Islands and the **Mississippi** Valley, other former slaves signed contracts with entrepreneurs who rented rebel acreage from federal authorities and farmed it with the labor of freedpeople. Local conditions determined terms of labor, varying from cash payments to individuals, families, or groups, to wages rendered in the form of a portion of the sale price of the crop produced, to ownership of the crop established by cash or share rental. In each case, African Americans strove to establish a claim to the acreage they tilled or to gain the cash needed to purchase land in the open market.

Establishing a landed black yeomanry held political appeal to a wide range of groups in the North. Ultimately, however, these dreams ran afoul of wartime

situational imperatives, taboos about the sanctity of property holding, and ingrained racism. Although Congress opened millions of acres of western land to settlement without payment through the Homestead Act of 1862, transferring legal tenure from rebel masters to formal slaves was another matter entirely. Early in the war, **abolitionist** William Goodell was a lonely advocate for confiscation of Confederate land to be redistributed to freed slaves. Under the **Second Confiscation Act** (July 1862), Confederates forfeited all property to the federal government, yet **Abraham Lincoln's** Proclamation of **Amnesty and Reconstruction** (December 1863) expedited the return of nonslave property and effectively extinguished freedmen's claims to the land of their former masters. In January 1865, General **William T. Sherman** issued **Special Field Order No. 15**, which allocated forty acres of land for use by freed families along the Atlantic Coast from South Carolina to **Florida**, but Congress failed to affirm his initiative. At the Republican convention in September 1865, Congressman **Thaddeus Stevens** called unsuccessfully for land redistribution. He wanted to appropriate land owned by the top 10 percent of southern landowners to sell in forty-acre plots to freedpeople who had tilled it under bondage. Equating liberty with landownership, Stevens believed African American independent farmers would be "the support and guardians of republican freedom." Too extreme even for fellow **Radical Republicans**, his plan gained little support.

Exercising their newfound rights to redress grievances, freedpeople petitioned for the opportunity to become independent farmers. In March 1865, Congress established the **Bureau of Refugees, Freedmen, and Abandoned Lands** with the authorization to rent abandoned land to the freedmen in forty-acre plots with the promise of eventual sale if legalities could be arranged. Before 1870, fewer than 5 percent of black household heads gained land by this route. Most freedpeople waited expectantly through 1865 and 1866, hoping that Washington would redraw class boundaries in the South by settling land upon them. Many whites trembled in fear that former slaves would transform land tenure through violent appropriation. In the end, however, white northerners dithered, and the Freedmen's Bureau coaxed and bullied most former slaves into pitiful wage labor contracts. For the few months that the **Southern Homestead Act** of 1866 opened public lands for sale to freedmen without white competition, nearly all African Americans were locked into subsistence-level wage work or were lacking the cash needed for purchase.

### ***Not Fully Independent: Black Tenancy***

From this perspective, it is easy to regard the establishment of sharecropping as a pervasive **labor system** and a social success for independent-minded freedpeople. It was, at best, a compromise, if not a pyrrhic victory. Eager to throw off the close supervision of both gang labor and the slave quarters, African Americans embraced the opportunity to till their own patch of land on the basis of family rental. Sympathetic white northerners and government officials hoped that sharecropping might teach freedpeople the capitalist virtues of self-discipline, industry, thrift, and initiative. For white

southern landholders, avidly competing for labor with little ability to pay cash wages on a regular timetable, sharecropping provided a heaven-sent chance to get ruined acreage back into production on a shoestring basis. As most southern states revised crop lien laws in the years after Appomattox, tenancy offered landholders a new method of chaining black labor to white land.

Between the poles of waged agricultural work and landed independence, former masters and former slaves established a spectrum of labor arrangements, ratified by contract. Most tilted in favor of the conservative white gentry and their mercantile lieutenants. In rice and sea-island cotton areas, freedpeople commonly supplied landlords with two days' labor per week, on a task or gang basis, as rent for land they worked for their own remuneration. Where upland cotton production prevailed, former slaves strove to attain contracts as share-wage or cash renters. Under the terms of cash cropping, laborers held all interest and assumed all risks in the crops grown on the land they rented, paying an annual monetary rent for the privilege. Share renters were considerably less independent, holding no stake in the crop before it reached the point of sale. Under these terms, landlords and furnishing merchants made most crucial decisions in return for staking freedmen with the means of production and subsistence. After marketing the crop, they turned over a percentage of the proceeds to the tiller, essentially as a wage for their efforts.

Before the Civil War, sharecropping was a system of land tenure reserved primarily to whites. After emancipation, it assumed a more biracial character, with perhaps two-thirds of various sorts of tenants being African American. Conversely, whites seem to have predominated among cash renters, where uncommon opportunities to tighten the belt and pull oneself upward were most likely to be found. True sharecropping was overwhelmingly reserved to African Americans. These, too, were the fortunate few: Less than half of all African American household heads operated farms on any basis as late as 1880. Typically, freedpeople during Reconstruction struggled along as wage laborers for white landlords. Despite these disadvantages, black landownership increased fivefold by the 1890s. Racism, coupled with this form of tenancy, doubtless inhibited progress. In 1890, when more than 60 percent of southern white household heads who farmed held land in their own name, almost 70 percent of southern blacks were landless. The figures only grew worse down to the Great Depression.

In both cases, sharecropping can hardly be seen as a step up the agricultural ladder. For thousands of white southern families, tenancy offered a transition from farm life to cotton mill culture. For blacks, it was a way station on the road to debt peonage or emigration to the North. Though sharecropping secured African Americans greater control over their day-to-day labor, even this translated into grievous exploitation. Though freedmen established a control over their own households that slavery had long denied them, this new individualism rooted in the labor of nuclear families left them vulnerable to social division and paramilitary **violence**. All in all, after the Republican Party lost power and conservative **Bourbons** took control of southern governments, African Americans had few political allies in state legislatures or in the courts. As a result, sharecropping remained a desperate and ultimately disastrous compromise for rural African Americans. *See also* Amnesty Proclamations;

Davis Bend, Mississippi; Edisto Island, South Carolina; Freedmen's Relief Societies; Morrill, Justin Smith; New South; Port Royal Experiment; Redemption; Union League of America; U.S. Army and Reconstruction; Vagrancy.

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Vernon Burton

### Sharkey, William L. (1798-1873)

William Lewis Sharkey was born near Muscle Shoals in Sumner County, Tennessee, on August 12, 1798. Five years later, the family moved to what would become Warren County, Mississippi. An orphan by the age of fifteen, Sharkey supported his younger brothers and began the study of law. By the early 1820s, he had passed the bar examination in Natchez, returned to Warren County, and begun a successful law practice in Vicksburg.

In 1827, Sharkey was elected to the lower house of the Mississippi legislature. With his political views becoming more clear, he positioned himself as a Whig, and was returned to the legislature for a second term. His colleagues elected him Speaker of the House. After declining a third term, he was appointed a judge of the state's circuit court, and later elected a justice of Mississippi's High Court of Errors and Appeals, a position he held for eighteen years. Serving briefly as American counsel in Cuba after retiring from the bench, he returned to the state in time to participate in compiling the Mississippi Legal Code of 1857.

An uncompromising Whig Unionist, Sharkey was one of Mississippi's few leading political figures who openly refused to support secession or the Confederacy. He was arrested and imprisoned briefly for his views. Because of his stance, near the end of the war, the state's last Confederate governor dispatched Sharkey and William Yerger (another Whig stalwart) to confer with federal officials in Washington. Although they were not officially received as commissioners, Sharkey and Yerger did meet with the new president, Andrew Johnson, on June 8, 1865. Impressed by Sharkey's Unionism and courage, Johnson appointed Sharkey as Mississippi's provisional governor one week later.

As part of the president's plan for restoration of the former Confederate states to the Union, Sharkey needed to call a **constitutional convention** for the purpose of declaring Mississippi's Ordinance of Secession null and void and abolishing the institution of slavery. He was also directed to hold a general election for state officers. These tasks, of course, were in addition to Sharkey's ordinary duties as provisional governor, such as maintaining public order and attempting to reorganize state affairs. With the new constitution in place, the fall elections held, and the completion of six months as governor, Mississippi's new legislature selected Sharkey as one of its two U.S. senators.

By now the divide between northern Republicans and President Johnson had grown, and the new senator was caught in the crossfire. Sharkey was denied his seat in the 39th Congress by the Republican majority—as were the other delegates from the former Confederate states. He remained in the nation's capital, however, developing a further political intimacy with President Johnson and advising him to reject any compromise with the **Radical Republicans**. As a member of the **National Union Movement's** executive committee in 1866, as a member of the legal teams in *Mississippi v. Johnson*, *Georgia v. Stanton*, and *Ex parte McCordle*, and as a reluctant convert to the **Democratic Party** in 1868, Sharkey opposed **Congressional Reconstruction** and its implications with the same single-minded tenacity that he had brought against secession and the Confederacy. In a public letter written in 1870, he declared, "The party now known as the Democratic party is an opposition party, a new party of Whigs and Democrats united for the purpose of restoring the Constitution to its primitive vigor by utterly abrogating every innovation that has been made upon it." Still true to his antebellum principles, William L. Sharkey died in Washington, D.C., on March 30, 1873. *See also* Abolition of Slavery; Amnesty Proclamations; Elections of 1866; Presidential Reconstruction; Readmission.

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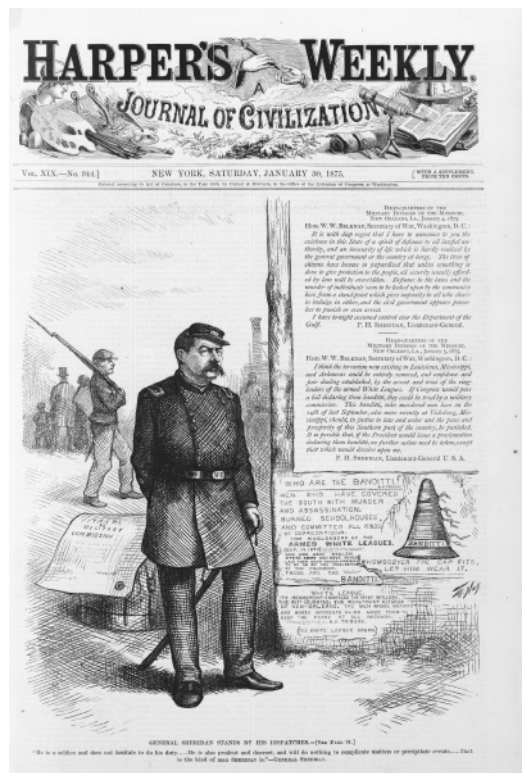
### **Sheridan, Philip H. (1831–1888)**

A controversial general in the Civil War and Reconstruction, Philip Henry Sheridan exemplifies the stern army commander who decided to enforce strictly the terms of federal laws in the former Confederacy. A cavalry officer who rose in the ranks from captain to major general during the war, "Little Phil's" aggressive leadership in major operations, including the Shenandoah Valley in 1864 and the Appomattox campaign in 1865, made him one of the North's most notable officers. Critics as early as the war years (especially some in the **Democratic Party**) and later asserted that Sheridan's volatile leadership deserved censure instead of high rank, but in 1865, he stood with **William T. Sherman** and **Ulysses S. Grant** as one of the Union's top generals.

After the war, the War Department dispatched Sheridan to the Rio Grande (U.S.-Mexican) border, where he took charge of several army corps cautiously engaged in “saber-rattling” as the prospect of war with France and Mexico developed. French troops had invaded Mexico and installed a puppet leader, Maximilian of Austria. France eventually agreed to withdraw its troops, so Sheridan and most of his troops could concentrate on another tense issue developing: the Reconstruction of the former Confederate states.

With the South still an occupied territory, Sheridan was sent to command the Division of the Gulf in the summer of 1866, just after the **New Orleans Riot**, in which several **African Americans** were killed and injured. **Louisiana** Democrats contended that Sheridan was vindictive toward southerners and former Confederates. In the general’s view, opposition to federal law was tantamount to treason. This interpretation of his military duty became even more obvious—and more controversial—after Republicans in Congress passed the **Military Reconstruction Acts** in 1867. This law divided the former Confederate states into five military districts, and President Andrew Johnson appointed Sheridan to command troops in the Fifth Military District (Louisiana and **Texas**). The general gained unprecedented authority in a very dynamic and agitated situation, as he supervised officials in power under **Presidential Reconstruction** and their replacement by new state governments. He supervised voter registration (which needed to include African American males) and the elections for state **constitutional conventions**. Along the way, Sheridan decided that several local and state officials were, in his estimation, “impediments to Reconstruction.” As a result, he removed numerous politicians from office, including New Orleans city councilmen and the governors of both Louisiana and Texas. Such enthusiastic enforcement of the acts displeased his commander in chief, so Sheridan was reassigned to the western frontier. Ironically, the removal may have hurt the president more than Sheridan, whose career did not suffer. As senior general in charge of campaigns against the Plains Indians, he commanded the huge military division of Missouri and became a western hero.

In December 1874, following controversial elections and **violence** in Louisiana, President Ulysses S. Grant sent Sheridan back to New Orleans. Sheridan still supported Reconstruction policy and quickly became a lightning rod for criticism. Democrats denounced Sheridan as too volatile and antagonistic for a delicate political assignment, which may have been true. Sheridan refused to tolerate former Confederates



Philip H. Sheridan next to copies of his letters describing actions of “armed White League” in Louisiana, Mississippi, and Arkansas, against African American voting rights. (Courtesy of the Library of Congress.)

and their conservative supporters who used intimidation, murder, and riot to overthrow Louisiana's Republican governor, **William Pitt Kellogg**. Democrats claimed that Kellogg's rival for the governorship and a Democratic legislature were the legitimate governing bodies, but local Republicans of course disagreed. Since spring 1873, two rival governments had existed, and their coexistence resulted in bloodshed in the fall of 1874. After his arrival in early January 1875, in a rather frightening display of civil-military tension, Sheridan suppressed the pretenders, used army troops to support Kellogg, and recommended military trials for "banditti" who acted illegally. Controversy still surrounded Sheridan when he was removed from New Orleans in March.

He returned to the West, and became recognized as one of the finest commanders in the American Indian wars. He later finished his career as commanding general of the **U.S. Army**, from 1884 to 1888. *See also* Longstreet, James; Pope, John M.; Race Riots; Seward, William H.; Sickles, Daniel E.; Warmoth, Henry Clay.

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*Joseph G. Dawson III*

### **Sherman, John (1823-1900)**

John Sherman, congressman, U.S. senator, U.S. secretary of the treasury, and secretary of state, was born in Lancaster, Ohio, in 1823, the eighth child of Charles Robert and Mary (Hoyt) Sherman and the younger brother of **William Tecumseh Sherman**. After studying law under his uncle and eldest brother, he entered the bar as well as a partnership in a lumber and real estate concern. In 1848, he married Margaret Sarah Cecilia Stewart, and the couple adopted a daughter.

Having attended the Whig national conventions in 1848 and 1852, Sherman was elected to the U.S. House of Representatives from Ohio as a Republican in 1854. His service on the committee investigating the political turmoil in Kansas led to his being considered for Speaker of the House in 1859, a post he failed to attain because of his careless endorsement of Hinton Helper's controversial book, *Impending Crisis*. In 1861, Sherman began the first of two sixteen-year periods as U.S. senator from Ohio when he succeeded **Salmon P. Chase**, who had been appointed **Abraham Lincoln's** secretary of the treasury. Sherman made his wartime mark helping shape the legislation creating the national banking system and greenback currency. By late 1863, he clearly identified with the anti-Lincoln faction of his party that supported the "Pomeroy" circular endorsing Chase for the Republican presidential nomination in 1864. Subsequently, he supported the **Wade-Davis Bill** that sought to override Lincoln's generous terms of Reconstruction.

As the Civil War came to a close, Sherman's views on the status of the Confederate states were somewhat mixed. While not persuaded by Senator

**Charles Sumner's** notion that these states had "committed suicide" in leaving the Union, Sherman himself used the term "admission" when referring to the process former Confederate states under federal control would have to fulfill to reestablish their prewar status. Notably, he opposed **Louisiana's** participation in the Electoral College in 1864, since Congress had not yet determined the state's status. When Congress considered seating the Lincoln administration's Louisiana government, Sherman moved in February 1865 that the Senate postpone debate on this matter. As a result, the new Johnson administration exerted complete control over Reconstruction until Congress reconvened in December.

While Sherman initially gave Johnson's Reconstruction policies the benefit of the doubt, in early 1866, he voted for the new **Freedmen's Bureau Bill**, which was opposed by the president. Unlike many other **Moderate Republicans**, Sherman still believed reconciliation with the president was possible even after Congress overrode Johnson's veto of the **Civil Rights Bill**, legislation Sherman supported. As with most of his party colleagues, Sherman came to the conclusion that only the ratification of the **Fourteenth Amendment** by the former Confederate states would lead to their **readmission** to Congress. He spoke out against Johnson in the 1866 congressional campaign and supported **suffrage** for **African Americans** in Washington, D.C.

After its success in the congressional **elections of 1866**, the Republican Party moved ahead with its own Reconstruction bill. On February 16, 1867, as chair of the Senate Republican Party Committee, Sherman wrote a compromise bill to end the deadlock with the House and thereby guaranteed passage of a Reconstruction program before the end of the congressional session. Sherman's committee agreed to combine Congressman **Thaddeus Stevens's** military bill with Senator **James G. Blaine's** proposed legislation specifying terms of southern readmission. When the House rejected Blaine's amendment and requested a conference committee, Sherman led the successful opposition to this procedure. This forced the House to add two amendments to the bill, thereby bringing it closer to the Senate version. Although not entirely satisfied with the House version, Sherman voted in favor of both the measure and Congress's override of President Johnson's veto. Sherman also lent his support to the **Command of the Army Act**.

With the passage of the **Military Reconstruction Act**, Sherman opposed the imposition of any new requirements on the South until the existing legislation was fulfilled. He also expressed reservations over land confiscation and federal interference in southern public schools.

The House's **impeachment** of President Johnson placed Sherman in an awkward position, while the ordeal continued to highlight his fairness and moderation. While serving on the committee that wrote the **Tenure of Office Act**, Sherman had in fact argued that the law did not apply to **cabinet** officers. However, Sherman was reluctant to go against the Republican Senate majority, particularly after the president removed—not just suspended—Secretary of War **Edwin Stanton**. Johnson's appointment of General **Lorenzo Thomas** as ad interim secretary of war on February 21, 1868, without seeking Senate approval, gave Sherman the rationale to support conviction by interpreting



Thomas's appointment as a clear violation of the Tenure of Office Act. Even so, Sherman departed from most Republicans in asserting that the Senate was sitting as a court, while House managers and most Republican senators viewed the Senate's role as a political body, one not bound by evidence that would be only admissible in a court of law. Furthermore, he favored granting the president's counsel the forty days requested for trial preparation. Sherman did vote with the Republican majority to convict Johnson on the first article voted upon—Article 11 (concerning the appointment of Thomas), but he joined the “not guilty” crowd in its attempt to prevent adjournment before a decision had been reached on the remaining articles. In the end, Sherman did not face a vote on Article 1, dealing with Stanton's removal. The Senate, failing to convict the president on Articles 2 and 3, adjourned the trial *sine die*, leaving Johnson in office and leaving Article 1 as a footnote in history.

Concurrently with the impeachment of President Johnson, Sherman was concerned with the fate of the **Fourteenth Amendment**, which he viewed as Reconstruction's most critical component. What particularly complicated the situation for Sherman was that in early 1868, the Democratic-controlled Ohio legislature withdrew its ratification of the amendment. At the same time, Sherman and the Congress were considering the admission of southern states that fulfilled the terms of the Military Reconstruction Act. Sherman was particularly supportive, to the extent of introducing the bill for admission, of **Alabama's** effort to gain congressional representation despite the fact that a large majority, but less than half the state's registered voters, had approved its new constitution. Apparently, Sherman had become convinced that bringing the southern states back into the Union as rapidly as possible was the only means of guaranteeing Republican victory in the 1868 presidential election and that enough states would ratify the Fourteenth Amendment. Indeed, on July 18, 1868, when Sherman introduced the joint resolution declaring the Fourteenth Amendment ratified, the necessary three-fourths of the state legislatures included six southern legislatures.

While Sherman left his mark on the Reconstruction legislation determining the political status of the South and African American rights, his greater influence came as Senate Finance Committee chairman. Since Reconstruction encompassed how the government dealt with the many changes in the nation brought about by the war, clearly the financial sector had to be considered as well. Sherman understood that finance had been a major participant in the creation of the greenback currency and the national banking legislation during the war. However, Sherman now faced a very difficult situation given the fact that he represented Ohio, a state with diverse economic interests. His problem became most evident in 1868, when Ohio Democrat **George Pendleton** proposed the Ohio Plan, which advocated that interest on the national debt would be paid for with greenback currency. This proposal would not only raise the value of greenbacks, but many hoped it would also inflate postwar prices and thereby help debtors. While Sherman never embraced the Ohio Plan, he surely opposed the proposal of **Hugh McCulloch**, secretary of the treasury, to retire all greenbacks. Hence, as Senate Finance Committee chairman, Sherman labored for years to strike a balance between the expansion policy of the Ohio Plan and the contraction policy of McCulloch. The

result of his efforts, the Specie Resumption Act of 1875, stipulated that beginning January 1, 1879, the treasury would redeem all legal tender notes (greenbacks) in specie (gold). By setting the date for resumption four years away, Sherman hoped it might depoliticize the issue and give the treasury time to build up its gold reserves.

Rarely has a member of Congress been as fortunate to advance his legislative efforts to their full fruition because, after the presidential victory of **Rutherford B. Hayes**, Sherman was appointed U.S. secretary of the treasury. Sherman worked tirelessly not only to increase the nation's gold reserves over the next two years, but also to convince the business community of his plan's merits. The situation was only complicated by the concurrent demand in the West to introduce silver into circulation as well as to preserve greenbacks. Sherman's hopes were realized on the first day of resumption in 1879, when the public purchased more greenbacks than redeemed them for gold.

Considered for the Republican nomination for president in 1880, 1884, and 1888, Sherman lost out to more politically skillful and colorful opponents. In 1881, he returned to the U.S. Senate from Ohio, replacing **James Garfield**, who would have become senator had he not been elected president. Sherman's second sixteen-year period in the Senate was noted for his role in the passage of the Sherman Anti-Trust Act and the Sherman Silver Purchase Act in 1890. Having served as chairman of the Senate Foreign Relations Committee for nine years, Sherman became President William McKinley's first secretary of state, a post from which he resigned in 1898 because of ill health and anti-imperialist views that put him at odds with the rest of the cabinet. He died in 1900. *See also* Congressional Reconstruction; Education; Elections of 1864; Elections of 1868; National Union Party; Presidential Reconstruction; U.S. Army and Reconstruction.

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### **Sherman, William T. (1820-1891)**

William Tecumseh Sherman served in the **U.S. Army** as a general during the course of the Civil War, and in the final year, he issued Special **Field Order No. 15**. Though he had gained great popularity for his clever remarks and famous marches through Confederate territory, he refused to seek public office and chose to remain in the army, where he worked diligently to promote westward expansion. Sherman did become general in chief of the army, a position that diminished in authority due to political factors.

Sherman was born on February 8, 1820, in Lancaster, Ohio, and was given the first name of Tecumseh, after the famed Indian warrior. Following his father's death in 1829, his mother was faced with the task of raising eleven children alone amid substantial debt. Family friend Senator Thomas Ewing took the young Sherman into his home. Seeing to his baptism, Ewing had the Christian name of William added as his first name, but the sobriquet of "Cump" remained with him for the rest of his life.

Sherman secured an appointment to the U.S. Military Academy at West Point through the efforts of Ewing. He graduated sixth in the class of 1840, a class standing that had fallen from fourth due to his numerous demerits. Following graduation, he went on to fight against the Seminoles in **Florida** as well as later serving on both General Stephen W. Kearny's and General Perisor F. Smith's staffs during the Mexican War. When he resigned his commission in February 1853, he went on to work at a few occupations before becoming superintendent of the **Louisiana** State Seminary of Learning and Military Academy. Sherman remained there until secession, when he returned north to serve in the U.S. Army as colonel of the Thirteenth Infantry. Three days later, he became brigadier general, U.S. volunteers. Sherman was involved in First Manassas/Bull Run, Shiloh/Pittsburgh Landing, Corinth, and Vicksburg before being promoted to the rank of brigadier general of regulars. In 1864, with the appointment of **Ulysses S. Grant** as Union commander in chief, Sherman took his old command once again, this time the military division of the **Mississippi**. Sherman is most famous, however, for his campaigns in **Georgia** and the Carolinas. Following the battle for Atlanta, Sherman embarked a campaign of total warfare with his March to the Sea (from Atlanta to Savannah) and concluded with his campaign through **South Carolina** and into **North Carolina**. On April 26, 1865, Confederate general Joseph E. Johnston surrendered to Sherman in North Carolina.

As the war ground to a close, Sherman issued Special Field Order No. 15 on January 16, 1865. This designated certain areas, specifically the islands that were located to the south of Charleston, the riverside rice lands that extended thirty miles inland as well as the region around the St. John's River, to be inhabited by the newly **emancipated** former slaves. Though Sherman believed in providing these lands, he did not favor granting the freed **African Americans** voting rights, a stand that later subjected him to criticism. Despite friction caused by President **Andrew Johnson**'s revocation of Sherman's surrender terms in April, Sherman supported President Johnson when he vetoed the **Freedmen's Bureau Bill** of 1866, which would extend the life of the **Bureau of Refugees, Freedmen, and Abandoned Lands** but also placed specific conditions on the provisions of Special Field Order No. 15.

With the end of the war and following the Grand Review of the Armies, where Sherman blatantly snubbed **Radical Republican** secretary of war **Edwin M. Stanton** in the reviewing stand, the general spent time visiting with his family. The war had reaffirmed his belief that he wanted no part of politics or the associated offices. When he received General Order No. 118, which provided for changes of the military divisions and departments in the

U.S. Army, Sherman took command of the military division of Mississippi (changed to Missouri), which included the Departments of Ohio, Missouri, and **Arkansas**, with headquarters in St. Louis. Happy to avoid the contentious issues of the Reconstruction South, the primary concern for the men of this division and its leader was the protection of the people moving west. This entailed subduing the remaining **American Indian** tribes as well as aiding the laying of **railroad** tracks. Sherman spent a good deal of time familiarizing himself with all aspects of western life and the difficulties facing settlers. He was confident that the construction of the Union Pacific rail line had played a crucial role in changing all parts of the military's status in the West. An additional change came for the army on July 18, 1866. Congress enacted the provisions for the peacetime army general officer corps, with one general, who was Grant, and one lieutenant general, who was Sherman.

Regarding the American Indians, Sherman concurred with an account that had been sent to him by Brigadier General **John Pope**, written by pathfinders Kit Carson and William Bent, relating potential problems and advising that the military should supervise Indian Affairs. Sherman pushed to get the army placed at the head of Indian Affairs, but his efforts were in vain. One other concern in dealing with the issues faced in the West was the nature of tactics used by the army. The opponents had changed, and by their heritage, they did not fight in the standard military formations. The army would not only have to conform to whom they were engaging in battle, but the style and manner in which they fought against the American Indians.

Matters in the West seemed clear and simple compared to the intricacies of Washington politics and the dilemmas over reconstructing the South. President Johnson faced many difficulties as president, among them great opposition by Congress to his Reconstruction and **readmission** policies. Since much of **Congressional Reconstruction** was spearheaded by the army—either via the Freedmen's Bureau or directly by army officers enforcing the Military Reconstruction Acts—Johnson sought to appoint someone to head the army who would support his program. Johnson approached Sherman with the offer of a new position, that of acting secretary of war. Sherman refused, loathing political games and fully knowing this was done out of deceit. He did continue to work, however, toward upholding an affable association with the president.

Sherman did ascend to a higher position in the army, and as he expected, the post was fraught with political entanglements. With the advent of the Republican nomination and subsequent election of Grant as president in 1868, Sherman became the new general in chief, effective March 5, 1869, and held the post until his retirement on February 8, 1884. Although Sherman held a titular position of power, in practice, he was an authority in name only. This was largely due to difficulties he encountered with influential politicians. Early in Grant's first term, John Rawlins died, so Sherman served as secretary of war (September 11, 1869–October 31, 1869) until the Senate confirmed William Belknap as the successor. Belknap had served under Sherman in the Civil War, where he had harbored great indignation for his commanding officer. Sherman initially supported the new secretary of war, but hostility developed over

Belknap's improper—and possibly illegal—actions, as well as his growing influence over Grant. Sherman also met with resistance from a former Union Corps commander who was serving as an Illinois congressman. John Logan, a “political general” commissioned during the war, still held a grudge against Sherman, since he did not appoint him to assume James McPherson's command when McPherson was killed outside Atlanta in 1864. Logan disliked the elitism and alleged favoritism West Pointers received in the army, and sought to end their monopoly on high commands. He submitted legislation that not only reduced the size of the army, but even cut the general in chief's salary.

Although often hindered in fulfilling the duties of his office, Sherman did his best to support the laws and his troops. He worked well with Major General Alfred H. Terry, commander of the Department of the South, and served as a liaison of sorts between him and Georgia Senator **Henry Wilson** during a period of particularly intense **Ku Klux Klan** activity. Always outspoken, Sherman was nevertheless openly critical of certain Radical Reconstruction initiatives, and later even indicated that he believed reports of Klan actions were somewhat embellished.

Also still responsible for the West, Sherman saw to the army's defense of the Northern Pacific Railroad's working crews. He also apprehended specific Kiowa leaders like Santana and sent them off to **Texas** to await their hearings. In desperate need of rest, Sherman went on to tour Europe in 1871, and returned in September 1872. Thereafter, he worked on composing his *Memoirs*, once his occupational duties were further reduced. Though he testified before Congress in 1874 in an effort to keep the enlisted strength of the army at a substantial force, his requests were ignored and the army was further reduced. As Secretary of War Belknap's authority over the army solidified, he petitioned and was allowed to relocate his office to St. Louis. Although sold as a way of attending better to western needs, Sherman really sought refuge from Washington politics and his masters there. As Reconstruction came to a close, Sherman found himself back in Washington, this time testifying against Belknap in Congress. Charges of corruption and inappropriate actions in office, not uncommon for the Grant administration or the nation at the time, resulted in Belknap's resignation and ended his career. Free from interference, Sherman refocused on his duties, which included sending more troops west to subdue Native Americans and sending troops South to serve as a police force for the presidential **election of 1876**. Sherman retired in 1884. After Sherman, no general held the position of general in chief again until it was reestablished in 1944. *See also* Contraband, Slaves as; Edisto Island, South Carolina; Port Royal Experiment; Presidential Reconstruction; Redemption; Violence.

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## Shotgun Plan

The Shotgun Plan was one of the names applied to a strategy for securing political control during Reconstruction. It is sometimes called the **Mississippi Plan** since it was in this state's 1875 election that it was first developed and utilized. Others call it the Edgefield Plan, in honor of **Martin W. Gary** of Edgefield, **South Carolina**, who employed it in that state's 1876 campaign. The use of the word "shotgun" in connection with a campaign strategy highlights the key role that **violence** played in Reconstruction politics.

The Shotgun Plan used local actions to take advantage of national political conditions and gain political control at the state level. Although first used in Mississippi in 1875, the strategy was indebted to the **White League's** 1874 attempt to gain control of **Louisiana**, and it provided a model for the 1876 campaign in South Carolina. By the mid-1870s, the southern **Democratic Party** had begun to weary of attempting to gain political leverage by cooperating, or "fusing," with moderate elements of the Republican Party. Rather than rely on factionalism between moderate and **Radical Republicans**, many Democrats decided to support only Democratic candidates in order to gain complete control of the state government. The problem Democrats faced in following this "Straight-Out" or "White Line" policy, in states like Mississippi and South Carolina, was that a substantial majority of the population was **African American** and committed to supporting of the Republican Party.

To counter that demographic reality, Democrats had to do three things. First, they needed to increase the number of Democratic votes by getting all white men on their side. Second, they needed to decrease the number of Republican votes by whatever means necessary. As newspaper editors declared, Democrats would "carry the election peaceably if we can, forcibly if we must." The possible use of force led to the third element of the Shotgun Plan: It had to be carried out in such a way as to avoid provoking federal involvement. Mississippi Democrats in 1875 were confident that they could use considerable force without worrying about federal troops since they had seen the weak support the **Grant** administration had given to Republican Governor **William P. Kellogg** in Louisiana the year before. It probably also helped that the 1875 election was for Mississippi posts only, not federal ones. If the Grant administration were to intervene, it could not do so on the basis of protecting federal elections.

The Mississippi Democrats initiated an organized campaign of terror against Republicans at every level during the 1875 campaign. Beginning in Vicksburg, Democrats targeted local Republican leaders for assassination, started riots in which scores of black citizens were killed, broke up campaign meetings with blank-filled cannons and rifle-toting horsemen, blatantly used violence and fraud at the polls, and actually chased off many of the Republican officials

who had managed to get elected. The Democrats even used threats to stymie a subsequent investigation of their use of force in the campaign. Their gamble paid off, as Mississippi's state government fell to the Democrats and the Grant administration had declined to interfere.

Just as Mississippi followed Louisiana from the year before, so in 1876 South Carolina mimicked Mississippi's operation. There, **Wade Hampton III** challenged **carpetbag** governor **Daniel H. Chamberlain**, and the use of harassment and outright terror that characterized the Shotgun Plan succeeded again in uniting whites, intimidating Republicans, and staving off federal interference. By the spring of 1877, South Carolina had been redeemed as well. *See also* Bourbons; Compromise of 1877; Elections of 1876; Gun Clubs; Redemption.

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### **Sickles, Daniel E. (1819–1914)**

Daniel Edgar Sickles was no stranger to controversy, whether it was as a **Democratic Party** politician, a politically appointed general, a military commander, or a foreign diplomat.

Before the Civil War, Sickles was part of the Tammany Hall political machine in New York. As a congressman, he achieved infamy for killing his wife's lover and then avoiding prison by pleading temporary insanity. The case drew significant attention, not only for the defense argument (some claim this was the first successful use of this defense in a murder trial) but also due to the identity of the victim: Philip Barton Key, son of the author of "The Star-Spangled Banner." His popularity in the Democratic Party earned him a commission as a general in the Union army, despite his history of womanizing, brawling, and momentary departures from reason.

His aggressiveness made Sickles a tenacious but brash officer. He fought throughout the eastern theater, but is most remembered for his actions at Gettysburg. On July 2, 1863, his Third Corps of the Army of the Potomac was nearly destroyed when he advanced against order from Cemetery Ridge, believing his orders had been too cautious. That mistake cost Sickles both his leg and his field command. He was later awarded the congressional Medal of Honor.

Following the passage of the **Military Reconstruction Acts** in March 1867, Sickles was designated commander of the Second Military District, consisting of **North Carolina** and **South Carolina**. In that capacity, Sickles proved a fair administrator committed to reasserting federal control in the South. Sickles assumed a conciliatory tone in his first general orders as district commander. The general vowed to work with the states' governors and affirmed their

power to make appointments as provided by law. Southern whites also welcomed Sickles's message to the freedpeople, who he cautioned to work hard and obey the laws.

However, Sickles was not passive in reestablishing federal authority in the South. He readily intervened in state affairs to suppress disloyalty and to protect **African Americans**. Although he recognized the governors' appointment power, Sickles personally selected officials usually elected by the people. He also reserved the right to overrule civil courts when he felt injustice was done, and even remove judges he deemed disloyal. This approach strained Sickles's relationship with the state authorities and his commander in chief, President **Andrew Johnson**. Governor **Jonathan Worth** of North Carolina resented the military's interference in court decisions. Sickles was equally involved in South Carolina, where he nullified the state's **Black Codes** and discontinued whipping as a legal punishment.

The general also used his authority to create an informal legal code in his district. Two orders proved especially vexing to the former white ruling class of both states. General Order No. 10 halted collection of debts accrued between December 19, 1860, and May 15, 1865. Lower-class whites greeted this measure enthusiastically, while the wealthier whites resented it. Sickles's second controversial order, General Order No. 32, required that all adult male taxpayers be placed on the state's jury lists. This order made many lower-class white and black males eligible for jury duty for the first time.

Despite such policies, Sickles had a fair relationship with both states' governors. The civil authorities resented some of Sickles's actions, but they believed that he worked sincerely for the public welfare, even when they disagreed with him. As news spread of the general's removal due to an imbroglio in Wilmington, North Carolina, the governors expressed disappointment. Governor **James Orr** of South Carolina praised Sickles's efforts to provide relief to his state's poor, and noted the absence of misconduct by federal troops under his command. In North Carolina, Worth expressed regret as well, if only because Sickles was a known entity to him. Regardless of such sentiments, another chapter of Sickles's life ended amidst controversy.

Sickles retired from the army in 1869, and then accepted the post of minister to Spain under the **Grant** administration. After falling afoul of authority and customs there, he returned to the United States, and eventually to Congress. At the turn of the century, he held a variety of political appointments and celebrity posts for New York State, until finally undone by yet another scandal. He died in New York on May 3, 1914. *See also* Civil Rights; Congressional Reconstruction; Military Reconstruction Acts; Impeachment of Andrew Johnson; Presidential Reconstruction; Scandals.

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### ***Slaughterhouse Cases (1873)***

The *Slaughterhouse Cases*, 16 Wall. (83 U.S.) 36 (1873), provided an early judicial interpretation of the **Fourteenth Amendment**, which had been added to the **U.S. Constitution** only five years earlier. When butchers in **Louisiana** argued that a state law violated the new amendment, the **Supreme Court** found itself evaluating the meaning and reach of Section 1 of the Fourteenth Amendment, as well as of a state's police power.

In 1869, the Republican-controlled Louisiana legislature gave a virtual monopoly over the slaughtering of animals in Orleans, Jefferson, and St. Bernard parishes to the Crescent City Live Stock Handling and Slaughterhouse Company. The law was in step with similar actions by other states and localities at a time before refrigeration and sanitation procedures. Widespread unsanitary conditions existed in the slaughtering business and such a monopoly was a fairly unexceptional exercise of state police power, one accepted and even expected by most Americans. For example, just a few years before, more than 1,000 citizens of New Orleans had sought legislative action to stop the throwing of animal parts and other unhealthy materials into the Mississippi River.

The complaining butchers made the novel arguments, based in Section 1 of the Fourteenth Amendment, that their privileges and immunities as citizens had been violated by the state's monopoly grant and that their right to due process had also been violated by the state's restriction on their businesses. In addition, they alleged that the state had created an involuntary servitude in violation of the **Thirteenth Amendment**. The counterargument was that the Fourteenth Amendment did not provide broad protections but protected only **African Americans**, the focus of the 39th Congress, which framed the amendment. Also, those supporting Louisiana's action argued that the state's police power gave it the authority to pass the law; it was carrying out its responsibility to protect the public's health. If a state had such power and if the Fourteenth Amendment limited state power, where was the line between constitutional and unconstitutional state action?

In a 5 to 4 decision, the U.S. Supreme Court emphasized the police-power argument in ruling against the plaintiffs. It also focused on the Fourteenth Amendment's limited purpose: to safeguard the freedom of black Americans. For the majority, Chief Justice Samuel Miller took a narrow view of the amendment, arguing that it had not changed state responsibilities and power in such areas as public health. He also held that the privileges and immunities of national citizens protected by Section 1 were narrow and few and were not likely to be affected by state action. In addition, Miller saw little impact from the Thirteenth Amendment, noting that it was but a broad and inspiring statement about the status of all peoples.

The dissenters asserted that the amendment was not designed to protect the rights of blacks only and that the right to labor was a protected privilege and immunity of American citizens. Significant for future use of the Fourteenth Amendment in economic cases, among the minority were two opinions that would come to affect constitutional thinking in the late 1800s and early 1900s. Justices Stephen J. Field and Joseph P. Bradley gave substantive definitions to due process and liberty as covered by Section 1 of the Fourteenth Amendment. In doing so, they set the stage for judicial voiding of state economic regulations as violations of the amendment's protection of liberty and property. Their arguments would underpin the concept of "liberty of contract," which state and federal courts used to strike down numerous state regulations between Reconstruction and the last years of the New Deal. While dissents in *Slaughterhouse* also dealt with the Thirteenth Amendment, with Field arguing that denial of equal rights under law was a badge of slavery, the focus was on the Fourteenth Amendment's implications for the nation. *See also* Civil Rights; Democratic Party; Republicans, Radical.

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**Slavery, Abolition of.** *See* Abolition of Slavery.

**Small, Robert.** *See* Smalls, Robert.

### **Smalls, Robert (1839–1915)**

One of the most influential politicians from **South Carolina** during the decades following the Civil War, Robert Smalls (sometimes called Robert Small) was born to the slave Lydia Smalls on April 5, 1839, in Beaufort, South Carolina. Smalls spent his early adolescence as a servant in the house of John McKee, who may have been his father. In 1851, Smalls moved with his master, Henry McKee, to a plantation outside of Charleston. Hired out by his master to various employers in Charleston, Smalls labored as a waiter, lamplighter, stevedore, rigger, and sailor during the 1850s.

At the outbreak of the Civil War, Smalls worked as a sailor on the *Planter*, a private cotton steamer that was soon incorporated into Confederate service. By late 1861, he had become pilot of the ship, and in the early morning of May 13, 1862, with the Confederate officers ashore, Smalls led a group of **African American** sailors and their families aboard. He then commandeered the ship, sailed out of the harbor, and boldly but carefully (it was, after all, a Confederate boat) sailed into the Union Navy's blockade. Smalls turned over ammunition as well as Confederate naval codes and troop locations, winning national fame and a \$1,500 reward. He was subsequently commissioned a second lieutenant in Company B, Thirty-third Regiment of the U.S. Colored

Troops (he could not officially join the navy because he had not graduated from a naval academy). Smalls piloted various Union ships including the *Planter* and the *Keokuk*; the latter was sunk by confederates during an 1863 Union attack on Charleston.

After the war ended, Smalls served as a civilian pilot and acquired large amounts of property in and around Beaufort. As he grew in wealth and prominence, he provided financial support for the **education** of former slaves and served as a regent for the State Normal School and the South Carolina Lunatic Asylum. Smalls also held many positions, including brigadier general and major general, in the South Carolina state **militia** during the 1860s and 1870s.

His greatest postwar impact, however, grew out of his involvement in politics. In the 1860s and 1870s, he built a political machine in Beaufort, helping to organize the Beaufort Republican Club in 1867 and serving as chairman of the Beaufort County Republican Party for most of the 1870s. A delegate to the 1868 **constitutional convention**, he won election to the House of Representatives of the Forty-eighth South Carolina General Assembly (1868–1870). Smalls served as senator in the Forty-ninth, Fiftieth, and Fifty-first South Carolina General Assemblies (1870–1872, 1872–1874, and 1874–1876). In 1875, he resigned his position as state senator to accept a seat as U.S. representative to the 44th Congress (1875–1877). During this time, he also faced

state corruption charges. In 1877, Smalls was arrested and found guilty of accepting a \$5,000 political bribe connected to a legislative printing **scandal**, but in 1879, Governor William Dunlap Simpson granted him a full **pardon**.

Smalls continued to run for public office despite the charge of fraud. He won election to the 45th Congress (1877–1879), but lost his seat to George Dionysius Tillman, elder brother of Benjamin Ryan (“Pitchfork Ben”) Tillman, in the election of 1878. Initially defeated by George Tillman in the 1880 congressional race, Smalls successfully contested the election and was seated in the 47th Congress. He withdrew his nomination for Congress in 1882, in favor of Republican Edward William McGregor Mackey’s candidacy, but when Mackey died in 1884, voters chose Smalls to finish Mackey’s term in the 48th Congress. Smalls won election to the 49th Congress (1885–1887), but lost the election of 1886 to a Democrat. He attempted but failed to win the Republican congressional nomination for his district in 1888, 1892, and 1894. Still, his success was impressive, especially considering his ability to win election after Reconstruction had ended and **Bourbon** rule had begun.



Robert Smalls, c. 1888. (Courtesy of the Library of Congress.)

After leaving elected office, Robert Smalls remained actively involved in Republican politics. A delegate to the 1895 state constitutional convention, Smalls vigorously campaigned against **disfranchisement** clauses. He served as collector of customs in Beaufort from 1890 to 1894 and from 1898 to 1913. Married twice and the father of four children, Smalls died in Beaufort on February 22, 1915. *See also* Black Politicians; New South; Redemption.

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*Kimberly R. Kellison*

### Smith, William H. (1826-1899)

William Hugh Smith was the first Republican governor of **Alabama** under **Congressional Reconstruction**. Not a strong supporter of **civil rights**, he devoted most of his energies to conciliating conservative whites and promoting economic development. His administration was memorable for notably irregular practices in state **railroad** subsidies.

Smith was born in **Georgia** in 1826 and moved to Alabama in his teens. After becoming a lawyer, he was elected to the legislature for the **Democratic Party** but emerged as a strong Union man, supporting Steven Douglas for president in 1860. Smith opposed secession, and his home county of Randolph was a focus for antiwar sentiment. In 1862, he and several of his brothers fled to federal lines to escape arrest. He then recruited Alabama refugees into the Union army and accompanied General **William T. Sherman's** forces in the March to the Sea.

Smith remained in the South after the war, and returned to Alabama. There, the "unconditional Unionist" element promoted him as **provisional governor** under President **Andrew Johnson's** restoration program. He did not become governor, but received an appointment as circuit court judge instead. He soon resigned in protest because he "could not hold court without being insulted by the rebel lawyers in their speeches." He was one of the first prominent Alabama politicians to lobby Congress for **black suffrage**. Following the passage of the **Military Reconstruction Acts** in March 1867, Smith served as head of voter registration, and he was the first Republican nominee for governor in the February 1868 canvass. Despite a murky electoral mandate, Congress declared him elected—over his own misgivings—and he assumed office in July 1868.

As governor, Smith's forte was outreach to conservative whites. First, he abandoned his previous support for widespread **disfranchisement** of former Confederates. He also vetoed a legislative attempt to cast Alabama's electoral vote for the Republicans without a popular vote. Although he himself was a "**scalawag**," he openly denounced "**carpetbag**" influence in his party,

specifically U.S. Senator George E. Spencer. These efforts won him considerable praise in Democratic circles, but his own Republicans were much less impressed. He further alienated his party through his perceived inaction against the **Ku Klux Klan**, and his public denials of the severity of the threat troubled many Republicans, white and black.

Smith's major public initiative was promotion of railroad development. Alabama's policy of state endorsement of railroad bonds just antedated the onset of Congressional Reconstruction, but Smith was an enthusiastic adherent of the policy. Under Smith's administration, Alabama's contingent debt escalated severalfold. He was particularly supportive of the crucial Alabama & Chattanooga Railroad, running through the mineral district around modern Birmingham. By his own later admission, Smith signed hundreds of thousands of dollars in railroad bonds beyond that authorized by law.

In 1870, Smith's renomination was challenged, and the Democrats he had courted turned on him. His divided party was apparently defeated in the November canvass, aided by a massive Klan mobilization on behalf of the Democrats and rumored sabotage by **Radical Republican** rivals. The Democratic candidate, **Robert Burns Lindsay**, had antisecessionist credentials himself, which enabled him to make inroads into the former Unionist vote. The official count was close, and Smith attempted to maintain the office with military backing, but contrary court decisions eventually dissuaded him.

Smith's troubles only worsened. Soon after Smith left office, the state-endorsed Alabama & Chattanooga Railroad suspended interest payments, and the incoming governor refused to honor Alabama's guarantee of the tainted bonds, ruining the state's credit and resulting in eventual bankruptcy. The subsequent revelation of financial chicanery involving the outgoing governor left Smith's public reputation permanently damaged. Smith returned to Randolph County and resumed the practice of law, and in 1873 was again appointed circuit judge by Republican governor David Lewis. Smith remained active in Republican **patronage** disputes with the opposing "carpetbagger" faction for many years, and he died in Birmingham in 1899. His Reconstruction career, replete with party infighting and **scandals**, served as an example of the darker side of Republican Party politics. *See also* Presidential Reconstruction; Redemption; Violence.

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*Michael W. Fitzgerald*

## South Carolina

It is a mistake to say that South Carolinians lost the Civil War. A majority of South Carolinians were **African American**, most of whom were enslaved before the conflict. Confederate defeat and African American victory brought tremendous changes to the state. The war and Reconstruction profoundly transformed South Carolina, the most conservative slaveholding state, and

home to the South's most intransigent secession movement. Yet by 1880, political power was again concentrated in the hands of a small reactionary class of white landholders who dominated the state's economic fortunes and social life. So in this sense, one could argue that elite white Carolinians may have won the Civil War—in the long run—but they had to accept major changes in race relations, cultural life, and their economy along the way. For black and white working people, change must have seemed more momentous still, all the while hemmed in by **violence** and lost opportunities.

### *Secession and Civil War*

South Carolina, the first state to defy the federal government, seceded from the Union on December 20, 1860. It acted independently and without a popular referendum on the issue (a convention decided the vote). Although many declared that this signified unanimity in favor of disunion, previous attempts to mobilize separatist sentiment had collapsed in 1832 and 1851. Fire-eaters (aggressive pro-secession advocates) feared that lukewarm support among key local leaders in Charleston, Columbia, and parts of the upcountry would stall the drive for independence, or that enslaved African Americans might seize the moment to gain their own freedom by violent rebellion. Internal dissent never reached such heights, though many enslaved people recognized early on what the war might mean for them, and many whites supported Confederate war efforts only halfheartedly.

Once South Carolina—and ten other states—formally became the Confederate States of America, tensions increased. With passage of state and national conscription acts in March–April 1862, and increasingly widespread impressments of crops and slave labor to serve the Confederate war effort, resentment and resistance grew within the white community. Farmers grumbled at the violation of property rights, soldiers deserted, and whole communities conspired to remove themselves from the war effort, particularly in the upper piedmont. The state's thriving rice and sea-island cotton economy, concentrated in kingly coastal plantations, was quickly disrupted as slaveholders “re-fugeed” inland with their workforce to avoid federal coastal invasions.

Yet, the bloody race war that some feared never materialized. Everywhere slaves were outgunned, and usually too realistic to run such risks, although many did use the opportunities to escape or run away to join the Union forces as **contraband**. Moreover, as the war continued and the Confederate army drained more and more whites away from the towns and farms, the very nature of slavery changed. More freedoms were available to the slave communities, and some have argued that slaves on many plantations existed without white supervision and enjoyed various degrees of freedom. With prospects of gaining freedom by escape so remote, and the fate of community and family members to consider, most thought it wiser to value order and routine, however harsh, than to plunge into the unknown.

That decision changed radically, however, with the landing of federal troops at **Port Royal** on November 7, 1861. By the thousands, slaves simply refused to leave their homes as Beaufort District masters and their families ran off before the northern host. Within days, local slaves had abandoned field labor

for tasks of their own devising: reuniting parted family members, appropriating white property, settling old scores, celebrating—and pondering—their new masterless status. Federal officials and Yankee philanthropists quickly concluded that their foothold on Hilton Head Island offered a splendid opportunity to show how freedmen could be adapted to the steady labor, piety, and thrift of capitalist civilization. The experiment proved confounding for all. Northern whites discovered, close-up, that racist prejudice was not so easily washed away, that elite white southerners were not all Simon Legares, that big profits might be had if abandoned plantations could begin running again. Former slaves learned that federals would protect their new freedom, but not much more. Without land of their own, much less any political rights, freedpeople were reduced to relying upon the Union government or laboring under the harsh terms of their new alien occupiers. Culturally, too, conflict mounted: Some northerners found former slaves too immoderate and irrational in religion, too disorderly on domestic matters, too irregular about **education**, and too shuffling and saucy when it came time to work. Long before the Confederacy's fall, most northerners had begun to drift away from their partial and ill-defined commitment to social equality, black Carolinians tired of the new shapes racism and exploitation had taken, and elite whites skulked around the edges, waiting for an opening. It was an ominous beginning to the Reconstruction process.

More worrisome for white Carolinians were aspects of northern military policy toward their state. Not only did federal troops refuse to return run-aways to their masters—claiming, before 1863, that such human chattel was “contraband” of war—they quickly began employing freedmen as military laborers. By November 1862, they had begun to arm the first of three black regiments raised in the state to overturn slavery. In July 1863, a northern African American regiment, the Fifty-fourth Massachusetts, fought South Carolina Confederates hand to hand at Battery Wagner. While black soldiers battled courageously and demonstrated their bravery for the world, that attack failed disastrously, but eighteen months later, African American regiments were marching through the streets of Charleston itself, thronged by crowds of jubilant freedpeople.

Although **Abraham Lincoln** pursued conciliation through the war's early stages, most northerners nurtured deep hatred toward South Carolina's role in wrecking the Union, and by the time federal troops crossed the Savannah in February 1865, **William T. Sherman**'s soldiers were joyously exacting vengeance wherever they went. From Beaufort County to the forks of the Congaree, this “hard war” policy manifested itself in the burning of plantation homes, stripping the land of all that could be “foraged,” and meting out violence gratuitously. If the burning of Columbia on February 17 was precipitated by Sherman's troops—the matter is still debated by historians—this was only the most notorious act of pillage. Potter's Raid into the heart of Sumter District, coupled with gunboat thrusts up the Combahee and the Waccamaw, and William T. Sherman's devastating march through the Pee Dee region suggested that northerners aimed at the total destruction of the citadel of “Rebeldom.”

### *The War Ends—But What Follows?*

General Sherman's most revolutionary idea did not occur on the battlefield, nor was it directed toward an enemy army. Sherman the destroyer evolved into Sherman the creator as the war drew to a close, and took a step that no politician dared take. Sherman's Special **Field Order No. 15**, issued just before his invasion of South Carolina, set aside the Sea Islands and a thirty-mile tract near Charleston for the exclusive settlement of former slaves. Each freed family would receive forty acres and an army mule to work the land, turning former human property into independent property holders. If successful, the experiment might well have spread to other confiscated and abandoned lands, transforming social relations in the South. Certainly **Radical Republicans**, and even some idealistic officers within the newly formed **Bureau of Refugees, Freedmen, and Abandoned Lands** (Freedmen's Bureau) looked toward that goal. For President **Andrew Johnson**, however, the turmoil such redress entailed, plus the overarching threat to private property it posed, was too great. Committed to a policy of speedy reconciliation with defeated southerners, he overturned Sherman's plan in the summer and fall of 1865, returning the land to ex-Confederates as he pardoned them. Across South Carolina that autumn, former slaves found themselves neither protected by the paternalism of bondage—such as it was—nor enabled to provide for themselves except by onerous plantation labor, when they could find it, unless fortunate enough to live near the ocean or rivers for harvesting seafood, or near the woods for hunting. White fears that freedpeople would rise in revolt, either on July 4, December 25, or January 1, were rampant. That African Americans did not turn to violence is explained by the presence of federal troops, a well-armed veteran white citizenry, and by the New Testament theology of forgiveness and love faith that predominated in the African American community—but one not reciprocated by white South Carolinians. In addition, African Americans had faith that the government capable of **emancipation** and **abolition** would, shortly enough, settle the traitors' land upon them as a just reward. Those hopes proved hollow.

For most former Confederates, the notion that military defeat should end in social transformation seemed outrageous. Reactions to emancipation were complex—some ex-masters drove their “black families” off the land, some pleaded for them to stay—but almost none envisioned a system promoting racial equality or the enlargement of political rights in any significant way. President Johnson's generous terms for **readmission** to the Union encouraged that conservative vision. By repealing South Carolina's Ordinance of Secession and ratifying the terms of the **Thirteenth Amendment** abolishing slavery, the **constitutional convention**, which met in Columbia in September 1865, seemed to have met his standards for Reconstruction.

Unfortunately, the legislative session of December 1865—dominated by elite ex-Confederates—demonstrated how intransigent some white Carolinians still were when they struggled to define their former slaves' new status within the state. “This is a white man's government,” explained Governor **Benjamin Perry**, “and intended for white men only.” The three statutes comprising a new



**Black Code** expressly denied freedpeople “social and political equality with white persons” before the law, though they might buy and sell property, make contracts, and seek legal redress through criminal action or civil suits. For the first time, race was defined by statute and interracial marriage prohibited—preventing black families from eventually entering the privileged ranks of “whiteness.” Trade, travel, occupation, and judicial redress were all curtailed or ghettoized. Although contemporary critics regarded this legislation as regressive, it is important to recognize that Carolina politicians here hardly aimed to “re-create the institution of slavery under another guise.” Freedpeople rather were compelled to compete with whites in the new capitalist marketplace on a decidedly unequal footing, with none of the protections slave status had formerly offered. The white model for what black freedom would mean was the status that antebellum free African Americans had in South Carolina.

For Congress and local federal officials, South Carolina’s Black Code confirmed their worst fears about former rebels. Washington denied the state readmission and Military Governor **Daniel Sickles** struck down the code itself, leaving labor relations and much else in limbo. Although agents of the understaffed Freedmen’s Bureau attempted to establish fair terms of **contract** between white landowners and black labor for the 1866 crop year, collusion, violence, and their own prejudices subverted equity. Before 1870, South Carolina freedmen labored on the same farm units they had worked as slaves or in the near vicinity. Except in a few locales, such as the Promiseland neighborhood of Abbeville County, African Americans found no chance to purchase land of their own, and no opportunity of bettering their lot in a different area. In the lowcountry, the gang-labor requirements of rice cultivation reduced most to grueling wage work. Along and above the fall line, cotton cultivation soon emerged on a family basis, either for a cash-rent or more commonly a **sharecropping** arrangement. Regardless of different **labor systems**, where African Americans dared to withdraw their services or go on strike, they quickly came face-to-face with the legal power of the Freedmen’s Bureau and the military on one side, determined to enforce contracts, and the brute force of angry white landholders on the other.

### ***Republican Ascendancy: South Carolina and Congressional Reconstruction***

Congress intended the **Civil Rights Act of 1866** and the **Fourteenth Amendment** to overcome such inequities. South Carolina, however, responded simply by retooling the Black Code in a special session of the legislature early that fall, removing references to race. However, granting African Americans citizenship on an equal footing with whites was anathema: In December, the General Assembly refused to ratify the Fourteenth Amendment by a vote of 95 to 1. Better to defy northern conquerors, hard-liners argued, than to surrender the legal basis of their repressive regime. Congress upped the ante in March 1867, passing the **Military Reconstruction Acts**, which placed the South Carolina government under direct military control and called for yet another constitutional convention, based on universal manhood **suffrage**. Readmission to the Union was made dependent on a new constitution

rooted in a new legislature, which ratified the Fourteenth Amendment—plus the disbanding of paramilitary gangs.

White conservatives balked at any concessions, opting out of voting for the constitutional convention and turning to vigilante violence and intimidation instead. For South Carolina blacks and their white allies, by contrast, the 1868 Constitutional Convention held the promise of a great breakthrough toward political equality and social justice. Scarcely three years after liberating themselves from the slaveholders' Confederacy, South Carolinians—the people, black and white, farmers and townsmen, who comprised the vast majority—sat down to rewrite their state's basic law itself. This step culminated a steady process of organization and institution building by African Americans, establishing **churches**, schools, and voluntary associations after their own beliefs and ideas, working alongside native whites—derogatorily called **scalawags**—and northern immigrants, or **carpetbaggers**, who shared their values. Politically, they flocked to **Union League** meetings and the Republican Party, largely confining their advocacy within legal limits, despite the advantage of overwhelming numbers outside the upper piedmont. The constitution they brought forth in 1868 was a model both of racial tolerance and democratic ideals. Based on Ohio's constitution, delegates—60 percent black—guaranteed voting rights, legal freedoms, and educational opportunity to all Carolinians, and established a new decentralized system of county government that provided a great deal of home rule and local autonomy. Coming on the heels of the Black Code and ex-Confederate stonewalling, the equalitarian aspirations of this document were stunning. The 1868 constitution won quick ratification, and in elections that fall, Republicans swept to victory across the state at both local and General Assembly levels. A new era, seemingly, was at hand.

The new constitution granted every adult male the right to vote, “without distinction of race, color, or former condition.” Subsequently, African Americans controlled a majority of seats in the lower house (and from 1874 to 1876, both the senate and the house), and African Americans won elections as lieutenant governor, secretary of state, and state treasurer. Equally important, African Americans were elected to a significant number of local offices, such as sheriff, county commissioner, magistrate, school commissioner, and alderman. Reconstruction in South Carolina lasted longer than in any other state, and South Carolina's black Republicans achieved as great a degree of political power as did African Americans anywhere.

As conservative whites abandoned the political stage, Republican legislators set about trying to reestablish order and promote racial harmony in South Carolina. Since 1865, the foundation of their efforts had been the Union League, with chapters in local communities across the state. The league sought to educate both whites and blacks about their legal and political rights, to promote social equality, and to mobilize votes for the Republican Party. The new regime in Columbia reflected these grassroots efforts. This was a truly biracial administration, according African Americans more political power than in any other state during Reconstruction—or since. Although conservative whites tarred them as illiterate, inept, free-spending, and corrupt, their achievements under increasingly difficult circumstances remains impressive. Faced with

empty coffers, a wrecked cotton economy, and sullen intransigence from the white elite, who had done the wrecking, they acted swiftly. To revitalize the economy and reestablish the state's credit, they floated a massive new bond issue and wrote protective lien laws, but their broader social vision was far from conservative. Universal public education would transform the state, they declared, allowing all with brains and grit a chance to rise. Desegregating public transportation and accommodations would likewise chop down artificial barriers in favor of an unregulated, colorblind marketplace. A new tax code, eliminating the preferential treatment landholders had traditionally enjoyed, would fund initiatives and help redistribute real property, the basis of conservative power. Hundreds of thousands of acres were soon seized by the state for nonpayment of taxes. With the creation of the South Carolina Land Commission (1872), more than 2,000 small farmers, white and black, were able to purchase family-sized tracts without discrimination at reasonable rates. What Sherman's field order failed to achieve, the Land Commission began to redress, albeit on a small scale. With time and the unhindered operation of a free market, Republicans believed prosperity, democracy, and social harmony would flourish. What looked astoundingly revolutionary to former antebellum planters was actually rooted in the most conservative of economic principles. Republicans were not radicals per se; they were populists.

### *Conservative White Backlash*

Why, then, did not these initiatives gain vocal support from more South Carolina whites, most of whom stood to benefit from public education, marketplace stability, and government-aided access to land? The answer lies in taxes, charges of corruption, and terror, and most important, the failure of the federal government to commit to the long-term sustainability of interracial democracy in South Carolina. Higher land taxes, after all, hit the most marginal property holders hardest. The half million acres confiscated in 1873 included many former plantation tracts, but they also included the holdings of many white hardscrabble farmers who became sworn enemies of the Republican regime the moment they lost their land. Even those who could see their fortunes rising, were susceptible to the propaganda from the **Democratic Party** of constant charges of corruption in government activities. Many whites grew bitter at what they believed was waste and abuse in government activities. The 1874 **Taxpayers' Convention** publicized what they claimed were a host of Republican fiscal sins, across the color line. That graft, nepotism, and creative bookkeeping were the modus vivendi of Gilded Age politics, and the fact that compared to New York's Tamany Hall, South Carolina Republicans were small players, did not abate the sense of rage and betrayal sympathetic whites—and African Americans—felt at these revelations. Spurred on by the hard times caused by low cotton prices, worn lands, soaring interest rates, and the depression that followed the **Panic of 1873**, many longed to “throw the rascals” out of office. Those who were not openly antagonistic grew simply cynical and apathetic toward the democratic process. Moreover, white conservative Democrats used news of **scandals** to tar the guilty and the innocent, equating the term “corruption” with Republicans.

However, too much has been made of corruption in Reconstruction South Carolina politics, and not enough of the corruption of the white Democrats, for what brought down the Republican vision in South Carolina was not corruption. It was a bloody, decade-long reign of terror, sponsored and carried out by the very men who claimed to be champions of conservative “order.” Indeed, it was not the failure of interracial democracy and Reconstruction that prompted a terrorist campaign, but the successes of Reconstruction, particularly at the local levels in counties like Edgefield. Paramilitary violence had flared in some localities over questions of land and labor immediately after Confederate defeat, but the presence of federal troops and state **militia**, the intercession of the Freedmen’s Bureau, and the simple uncertainty of the times moderated these early clashes. Whether through secretive activity by the **Ku Klux Klan**, or open mob violence, Democrats often resorted to political assassination and murder, although physical beatings, arson, and threats of death were more common. Seven state legislators were murdered between 1868 and 1876. An 1867 federal law disbanding state militias curtailed conflicts only by disarming those most vulnerable to paramilitary violence. By 1868, Ku Klux Klan attacks were so widespread that Republican carpetbag governor **Robert Scott** warned of the outbreak of race war itself. That hint led to an eighteen-month halt in most Klan violence, but by 1870, night-riding terrorists were active once more.

Where the first wave of Klan violence had focused primarily on securing compliant, steady labor from the black underclass on preferable terms, this new upsurge was a direct attack on the Republican vision of political, social, and economic equality itself. Klansmen burned schools and black churches across the state, assassinated political officials and Union League leaders, whipped and murdered local activists, killed or drove out African Americans who sought to buy land, defend themselves through the law, or assert their political rights. By 1871, they had seized effective control of sections of the up-country, forcing President **Ulysses S. Grant** to suspend habeas corpus in nine counties. Army and justice officials arrived to hunt down and arrest suspected klansmen. Mass indictments followed, but prosecutions were slow and convictions few and toothless. The African American community and its white allies waited—with remarkable restraint—for competent federal protection. With an adequate military presence—Grant sent only 900 troops to back up his anti-Ku Klux measures—plus a few salutary hangings, reactionary violence might have been crippled and the Republican vision saved. Instead, Washington’s actions showed conservatives that federals lacked the political will to turn back their assault. By 1872, ex-Confederate general **Wade Hampton III** had called, using protestant Christian language, for the “**redemption**” of South Carolina from Republican rule.

For Hampton, “redemption” meant “force without violence”—meaning chicanery, bribes, and threats would do the trick, just as they had in the antebellum era. Republicans were already splitting between “reformer” and “regular” factions, he argued, and persuasion might win significant numbers who sought clean government and a cross-party alliance. Coupled with the voting strategy of whites who increasingly cast “straight-out” Democratic ballots, there was no need to resort to bloodshed. For Hampton’s lieutenant,

former Confederate general **Martin W. Gary** of Edgefield, though, as for many of the Ku Klux rank and file, who now cast themselves as politicking “**Red Shirts**,” no chances could be taken. And then there was the pure black-hearted desire of many whites to revenge themselves on the freedmen and their regime for a decade of perceived wrongs and indignities. Between 1872 and 1876, the Klan evaporated, replaced by **gun clubs** like the Red Shirts who focused on recapturing the state house. Violence and terrorism flared again, culminating in 1876 in the infamous Hamburg and Ellenton Massacres. These mass killings, consistent with Gary’s “Straight Out” or “Edgefield Plan,” as it was known in the state, demonstrated the power of Red Shirts to intimidate entire communities without effective retribution, and gave the green light to electoral fraud and violence in the gubernatorial and legislative contests that fall. Gary called for all-out guerilla warfare and organized Democrats into 300 “rifle clubs” throughout the state. When ballots were tallied, Hampton, the Democratic candidate, had been outpolled—though an accurate count is probably beyond meaning or recovery—but was far from outgunned. Refusing to concede defeat, Democrats withdrew from the House of Representatives, set up a shadow legislature, and anointed Hampton as the state’s true leader. “The people have elected me Governor,” he thundered, “and, by the Eternal God, I will be Governor or we shall have a military governor.” It was the spirit of secession redivivus, but this time, brinkmanship won the day. For four months, dual governments functioned in Columbia: **Daniel Chamberlain**’s Republicans held the state house, with the aid of federal troops, but Hampton essentially controlled the state. When President **Rutherford B. Hayes** ordered federal troops out of Columbia in April 1877, Chamberlain was forced to concede. The Confederates’ coup had succeeded.

Success, however, consisted primarily in stymieing the Republican populist vision. The **Bourbon** triumph possessed no real program of its own, except raking up the failures of past administrations and reversing the budding economic and social gains freedmen and poor whites had made. To many, it was not at all clear that 1877 marked an end to Reconstruction in South Carolina. For many African Americans, the hope remained that the next election would be fair and that the National Republican Party would once again support interracial democracy in South Carolina. Many whites and some African Americans hoped Hampton would be a reform governor who would be above the graft and corruption associated with politics of the day, promote good men from both parties and both races, do something more to lift cotton farmers out of peonage, and build a middle-ground coalition that would end the reign of terror that had swept the state for too long. Come 1880, they believed, a purified reformist program might win back the reins of power. In the years after 1877, however, as conservative regimes tore up the hard-won gains of Reconstruction, those hopes became little more than wistful alibis. Later as a U.S. senator, the “moderate” Hampton justified fraud, intimidation, and violence to deny South Carolina African Americans the franchise, claiming “the very civilization, the property, the life of the State itself, were involved.” Apparently, once again, elite conservative whites did not see all the people when they spoke of civilization and the state. *See also* Agriculture; Amnesty Proclamations; Black Politicians; Black Suffrage; Bloody Shirt; Civil Rights;

Confiscation Acts; Delany, Martin R.; Disfranchisement; Edisto Island, South Carolina; Elliott, Robert B.; Enforcement Acts (1870, 1871); Moses, Franklin J., Jr.; New South; Orr, James L.; Pike, James Shepard; Race Riots; Smalls, Robert; Vagrancy.

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Vernon Burton

### Southern Claims Commission (SCC)

Created by Congress in 1871, the Southern Claims Commission (SCC) evaluated the claims made by southern Unionists for goods and supplies taken by Union forces during the Civil War. Dedicated to reimbursing only those claimants who had been loyal throughout the conflict, the three-member commission amassed detailed testimonies and other records that are an invaluable source for the history of Unionism in the South, **African American** life and the transition from slavery to freedom, and the significance of family, kinship, and neighborhood ties during and after the war.

Southern Unionists had lost goods and property to the Union military through official confiscation, unsanctioned confiscation, and simple destructiveness. Troops often did not know or care about the allegiance of the property owners they encountered. Occasionally, southerners received payment from officers for what was taken; more often they received written or oral assurances that the government would make good on the transactions after the war.

Such redress took six years as the issue of southern Unionists' claims joined **readmission** and **suffrage** in the maelstrom of political debate over Reconstruction policies. The establishment of the SCC on March 3, 1871, after two years of debate within the 41st Congress, reflected an alliance between the **Democratic Party** and southern Republicans.

Appointed by President **Ulysses S. Grant** and approved by the Senate, the commissioners were Asa Owen Aldis of Vermont, who served as president of the commission; Orange Ferriss of New York; and James B. Howell of Iowa. All three were former Whigs who had become **Radical Republicans**. They quickly established a strict loyalty test, devising eighty questions for claimants and witnesses. The burden fell on claimants to prove that they had not been disloyal despite their wartime residence within the Confederacy. The commissioners forwarded their recommendations on each claim to the

U.S. House of Representatives, which almost always rubber-stamped the commissioners' findings.

Successful claimants had to be U.S. citizens, residents of a former Confederate state, wartime Unionists with proof of their loyalty, and individuals who had lost goods officially to the military. Claimants could be reimbursed for quartermaster and commissary stores only, including such items as corn, fodder, hogs, wagons, mules, cattle, grain, fence rails, wood, and molasses. Initially, the SCC legislation applied only to those who had lost property to the army during the war. In May 1872, Congress extended the purview of the commission to include property taken by the navy.

Individuals and organizations ultimately filed 22,298 claims for more than \$60 million in damages. Congress approved 7,092 of the claims at a cost of \$4.6 million. Residents of **Tennessee** filed the most claims, while Texans filed the fewest. Claimants included whites, free blacks (African Americans who had been free before the war), and even former slaves. Although slaves in particular had difficulty proving to the commissioners that they had truly owned the goods declared, SCC records clearly reflect property holding, particularly communal ownership, among slaves. While skeptical of slave property ownership, the commissioners placed great faith in the detailed testimonies of former slaves regarding the losses experienced by Unionist planters during the war.

Claimants who sought reimbursement for losses of more than \$10,000 had to appear with their witnesses before the three commissioners in Washington, D.C. The considerable cost of such a trip deterred some applicants altogether and encouraged others to keep their claims below the \$10,000 threshold and thus only incur the moderate fees for filing a claim. The SCC hired special commissioners and agents to gather evidence and hear testimonies in the cases of claims for less than \$10,000. Only somewhat successfully, the commission also had the names of claimants posted publicly throughout the South in order to encourage informants to come forward.

Approximately 220,000 witnesses testified on behalf of SCC claimants. The testimonies of witnesses regarding claimants' loyalty illustrate the intimidation and harassment that Unionists had faced within the Confederacy, reveal the deep interest that blacks took in the war's outcome, and expose the lingering bitterness of political divisions that carried over into Reconstruction. The language used by witnesses conveys at once the acrimony, weariness, and hope of the period.

Throughout the 1870s and especially during the presidential election years, many northern Republican congressmen and newspapers, particularly the *New York Tribune*, voiced opposition to southern claims. Claims became part of the **Bloody Shirt** politics of the period, as northerners accused southerners of greed and expressed fear over a drain on the treasury. The commission itself, however, received praise in the North for its thrift and discretion. Many residents of the South, on the other hand, criticized the commission for the strictness of its loyalty test.

The commission concluded its work on March 10, 1880. The Bowman Act (1883) and the Tucker Act (1887) gave unsuccessful SCC claimants the opportunity to present their claims to the U.S. Court of Claims, which usually

upheld the SCC's decisions. *See also* Civil Rights; Congressional Reconstruction; Fourteenth Amendment; Loyalty Oaths.

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*Antoinette G. van Zelm*

### **Southern Homestead Act (1866)**

In the wake of the Civil War, more than 46 million acres of public land remained unsold in the states of **Arkansas, Alabama, Florida, Louisiana, and Mississippi**. To facilitate its distribution, and to respond to pressure to assist former slaves seeking land, Congress passed the Southern Homestead Act. Although he opposed what he called "class legislation"—the offering of assistance to former slaves—President **Andrew Johnson** signed it into law on June 21, 1866, believing it would help poor whites.

Under its terms, individuals could claim up to eighty acres for homesteading (forty acres for land originally priced at \$2.50 per acre), although prior to January 1, 1870, only blacks and loyal white southerners could file for land. The law prohibited the acquisition of government land by cash sale or pre-emption, in order to insure the land was acquired by homesteaders and not timber companies or other business interests. It also allowed former slaves five years to pay their registration fee to facilitate settlement by the cash-poor freedpeople, and included unprecedented language stating, "No distinction or discrimination shall be made in the construction or execution of this act on account of race or color."

Despite these favorable provisions and attempts by the **Bureau of Refugees, Freedmen, and Abandoned Lands** to assist former slaves wishing to take advantage of the law, the Southern Homestead Act actually proved of little help to blacks trying to acquire land during Reconstruction. First, many well-to-do white southerners objected to the law, both in opposition to the principle of black landownership and because it threatened to drain the plantations of laborers seeking to take advantage of the law. Any legislation that threatened to bolster the independence of **African Americans** quickly earned the ire of many southern whites. Second, the implementation of the Southern Homestead Act actually worked against black landownership. Land offices did not open in the South until after New Year's Day 1867, negating the head start given blacks in claiming the best land. Fraud also was rampant, with timber companies in particular skirting the law's intent by filing false claims through front men. Third, much of the best land was off-limits, as it was already reserved for grants to **railroads** or military reservations. The parcels left often proved too poor for farming.



In short, numerous obstacles existed to keep former slaves from acquiring land under the Southern Homestead Act. In the ten years the law existed, about 67,600 claims were made for land, with about a quarter of those made by black people. Around 28,000 claims were successfully patented, meaning the applicant eventually acquired title to the land. While some of these patents went to former slaves, the Southern Homestead Act did not become a vehicle to mass black landownership during Reconstruction. *See also* Agriculture; Davis Bend, Mississippi; Edisto Island, South Carolina; Field Order No. 15; Morrill, Justin Smith; Port Royal Experiment.

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*Donald R. Shaffer*

## Stalwarts

The study of party politics is central to the study of the Reconstruction era. Against the backdrop of the Civil War, Reconstruction and the "Gilded Age" that followed (to use Mark Twain's term) is the story of the rise and maturation of the Republican Party. The history of the period reflects the agenda, dynamics, and shifts within the party itself: Its various platforms, factions, and internal disputes affected, and help explain, America at the time. The "Stalwarts" represent one such faction.

### *Republican Divisions in the 1870s*

Significant shifts in party loyalty and party platforms were occurring in the early 1870s. Many conservative types still aligned with the **Democratic Party**, while some more progressive (or fatalistic) Democrats embraced the changes of Reconstruction via the **New Departure** movement. Within the Republican Party, the alliance of **Moderate** and **Radical Republicans**, born of a unified opposition to the programs of President **Andrew Johnson**, began to wane. By the summer of 1868, Johnson had been rendered politically impotent, and Republicans had taken control of the Congress and the presidency. This dominance did not bring cohesion, however, and by 1872, a dangerous rift had developed within the party. Those who recoiled at the alleged abuses and **scandals** of the **Grant** years while seeking reconciliation with the South bolted the party, and led the **Liberal Republican** movement to challenge Grant in 1872. Their alliance with New Departure Democrats posed a significant threat to the Republican Party. Those who remained loyal to Grant and the vestiges of the Congressional ("radical") Reconstruction program were called "Stalwarts," or "regular" Republicans, as they stood the course and held to the "true" party mission. These waved the "**bloody shirt**" of white conservative **violence**, called for federal action to protect white and black Republicans in the South, and jealously protected their complex and controversial system of

**patronage.** While the Liberal Republican opposition called for civil service reform to abolish the patronage system they blamed for government corruption, the Stalwarts regarded the system as business as usual, necessary for an effective running of the party and the nation.

Grant's reelection in 1872 was a victory for the Stalwarts, but their control of government—and of Reconstruction policy—was not assured. President Grant continued to support southern Republican government and the rights of **African Americans**, but found waning northern interest working against him. Troubling also was the success of various opposition elements in keeping civil service reform alive, and tying it directly to the president's southern program. Opponents from within the party and from without likened the corruption of the southern governments to Grant's patronage system, and smeared the Stalwarts and the Reconstruction program simultaneously. The stunning victory by Democrats in the elections of 1874, which ushered in a Democratic House of Representatives for the first time since before the Civil War, drove some Stalwarts away from the principled ideology that they esteemed as Radical Republicans. Of course by now, many of the leading Radicals were gone from the scene, either dead or dying (as with **Thaddeus Stevens** and **Charles Sumner**) or out of office (for example, **Benjamin Wade**). So new challenges and new faces brought a new breed of party loyalists: The Stalwarts still supported southern Reconstruction, but these were probusiness, protariff, propatronage men who looked to economic developments and party organization, rather than the ideologies of the 1860s. Senator **Roscoe Conkling** of New York came to symbolize the new face of the regular Republican.

Many factors led to the national drift away from an aggressive enforcement of the Reconstruction agenda. For some, Reconstruction seemed complete, with three new amendments to the **U.S. Constitution** and southern states readmitted to the Union. For others, the reverse seemed true, that the southern situation was hopeless, that blacks could never be fully protected in their rights, that hostile southern whites could never be cowed. Whichever the perspective, the result was the same: the Reconstruction agenda drew fewer and fewer adherents, and the Stalwarts found themselves wedded to a sinking platform. This was clearly evident in the 1876 election, in which Conkling and fellow Stalwart **James G. Blaine** of Maine both lost the Republican nomination to **Rutherford B. Hayes** of Ohio. Hayes positioned himself as a potential government reformer who seemed uninterested in advancing the former radical cause in the South. His pedigree was not entirely Liberal Republican, but many of those allied with him advocated state's right federalism and a possible convergence with moderate whites in the South. In any case, by 1877, the Stalwarts found themselves as the losing wing in a winning party.

### *After Reconstruction*

As the Hayes administration dismembered the Stalwart's patronage system and disassociated itself from the South, leading Stalwarts, including Conkling and Simon Cameron of Pennsylvania, began agitating for the renomination of Grant in the 1880 contest. The former general had departed for a world tour

after leaving the presidency, and supporters hoped his absence would erase the memories of his scandal-ridden tenure, but new challenges arose, as the Republican Party continued to evolve: By the 1880 campaign, three factions existed. The liberal reform wing continued to push civil service issues and a more limited tariff; the Stalwarts, with their northeast base, looked to their patronage system and tried to rally northerners behind the “bloody shirt,” and a more fluid group derogatorily termed the “Half Breeds,” based in the Midwest, composed of fence sitters who held the balance of power (Blaine became the most prominent of this wing). The year 1880 signaled the further decline of the Stalwarts, and the rise of internal compromise politics. While Grant’s bid met with little support outside the Stalwarts, Blaine’s effort also failed. Again, as in 1876, the party sought a neutral candidate to bind party wounds and offer an olive branch to the Democrats. The nomination went to **James A. Garfield**, who had a loose connection to the Half Breeds (Blaine would become secretary of state under the new administration). As a consolation, a prominent New York Stalwart, Chester A. Arthur, received the vice presidential nomination.

On July 2, 1881, a frustrated former officeholder (the attack on patronage may have cost him a position) named Charles J. Guiteau assassinated President Garfield, allegedly shouting, “Now we’ll have a Stalwart President,” as he felled the national executive. Arthur succeeded him on September 19; ironically, his elevation to the presidency in 1881 did little to resurrect Stalwart fortunes. He had no popular mandate, no specific agenda, and a secretary of state who sought to undermine his every action.

The history of the Stalwarts tells us much about the nature of intraparty dynamics during the period. The Republican Party was never a monolithic, one-dimensional organization. It was a living system with shifting areas of focus, and differing ideas on what America needed and what politicians could accomplish. There were some consistencies, for the ideas of racial harmony, federal power, and economic progress remained central to the Radical-Stalwart evolution, but their demise and transformation by the 1880s and 1890s reflected changing national interests, shifting patterns of voting behavior, and, ultimately, the loss of a vibrant, if idealistic, progressive agenda. *See also* Abolitionists; Butler, Benjamin Franklin; Cabinets, Executive; Carpetbaggers; Chandler, Zachariah; Compromise of 1877; Elections of 1876; Enforcement Act (1875); Greeley, Horace; House Judiciary Committee; Joint Select Committee on the Conduct of the War; Julian, George Washington; Panic of 1873; Redemption; Scalawags; U.S. Army and Reconstruction.

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*Richard Zuczek*

### **Stanbery, Henry (1803–1881)**

Henry Stanbery, Ohio lawyer and U.S. attorney general, was born in New York City on February 20, 1803. His father, a family physician, moved the family to Zanesville, Ohio, in 1814. Stanbery graduated from Washington College in Pennsylvania in 1819. He studied law and was admitted to the Ohio bar in 1824. He then joined the law partnership of Thomas Ewing, Sr., in Lancaster, Ohio. In 1829, Stanbery married Frances E. Beecher; the couple had five children before Frances Stanbery died in 1840. A year later, Henry Stanbery married Cecelia Bond.

In 1846, the Ohio legislature elected Stanbery its first state attorney general, a position he held until 1851. The lawyer also participated in the Ohio state **constitutional convention** of 1850 and 1851. In the early 1850s, the family moved to Cincinnati, where Stanbery resumed a private law practice. A member of the Whig and later the Republican Party, Stanbery supported the presidencies of **Abraham Lincoln** and **Andrew Johnson**. In 1866, President Johnson nominated Stanbery to the **Supreme Court**. The Senate, in the midst of passing a law reducing the number of court justices, paid little attention to the appointment. Johnson then nominated Stanbery for U.S. attorney general. On July 23, the Senate confirmed his nomination.

Stanbery, a conservative Republican, shared many of President Johnson's views about Reconstruction. The attorney general helped draft the presidential veto of the first **Military Reconstruction Act**. In separate opinions in May and June 1867, Stanbery issued narrow interpretations of the First and Second Military Reconstruction Acts, lending support to Johnson's views. The attorney general argued that **U.S. Army** commanders had no right to remove civil officials or interfere with the process of civilian government in the South. Nor did military commanders have the right to disfranchise Confederates who had taken a **loyalty oath**. Finally, Stanbery contended that it was the duty of the president, commander in chief under the **U.S. Constitution**, to oversee the military reconstruction process. Most of Johnson's cabinet supported Stanbery's arguments, although Secretary of War **Edwin M. Stanton** disagreed with portions of the opinions. In response, Congress passed a Third Military Reconstruction Act in July 1867 that overruled the executive branch and clarified the role of military commanders, civil authorities, and voter registration.

In early 1868, President Johnson failed to heed his attorney general's advice to not remove Secretary of War Stanton from office, propelling a chain of events that led to Johnson's **impeachment**. Stanbery resigned as attorney general on March 12, 1868, to serve on the president's defense counsel. An illness forced Stanbery to miss part of the trial, but he returned toward the end of the proceedings and celebrated the president's acquittal. When the trial ended, Johnson renominated Stanbery as attorney general, but the Senate refused to confirm the appointment. Stanbery returned to his law practice in

Cincinnati and later moved to New York, where he died on June 26, 1881. *See also* Cabinets, Executive; Congressional Reconstruction; Disfranchisement; National Union Movement; Pardons.

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*Kimberly R. Kellison*

### **Stanton, Edwin M. (1814–1869)**

Aside from perhaps only **Abraham Lincoln** and **Ulysses S. Grant**, Edwin McMasters Stanton was the indispensable man during the Civil War. Vain and dedicated, Stanton brought a Victorian intensity and work ethic to his position as secretary of war. He was universally unpopular, but his commitment to the Union cause remained constant as the American world changed. As a **Radical Republican** during and after the war, he played a large role in the direction of the new America. Ultimately, his clash with President **Andrew Johnson** was the last battle in Congress's ongoing conflict with the executive.

#### ***Building a Career and a Reputation***

Born in Steubenville, Ohio, to David Stanton, a physician, and Lucy Norman, Edwin was a bright but sickly child, a victim of an asthmatic condition that shaped his behavior and his personality. He was active member of the Episcopal Church and religious sentiments and values shaped his intellectual world. He attended local schools until his father's death, briefly attended Kenyon College, and eventually turned to law. Married to Mary A. Lawson in 1836, the couple had two children, and apparently he was a doting parent. Stanton was a good husband and father, quite devoted to his wife and family.

Stanton formed a partnership with Judge Benjamin Tappan, an antislavery Democrat, who encouraged his political ambitions. Stanton served as the county attorney, and supported the **Democratic Party** and its candidates for the White House. Generally, he kept his antislavery sentiments to himself. Personal tragedy occurred in 1844, when his wife died, but despite his sincere and deep despair, his legal practice became more lucrative and Stanton became more recognized in the Democratic Party. After moving his practice several times, he settled in Pittsburgh where his partnership with Charles Shalter led to more financial rewards and opportunities to network in the party. His private life also improved with his marriage to Ellen Hutchison, with whom he had four children. She was his intellectual equal and gave him advice on several occasions. He moved to Washington, D.C., and joined the James Buchanan administration. As a government lawyer, Stanton earned a reputation for honesty and diligence, and many of his cases revolved around rooting out corruption and fraud. In the final year of Buchanan's term, Stanton served as U.S. attorney general.

As part of the president's inner circle when the secession crisis of 1860 occurred, Stanton was shocked by Buchanan's reasoning that secession was illegal, but the government was powerless to prevent it. Stanton funneled information via back channels to the congressional Republican leadership, while at the same time unsuccessfully urging some sort of policy "backbone" for "Old Buck." During this tenuous period, Stanton developed a friendship with fellow Democrat George McClellan, a West Point graduate turned railroad mogul, launching the core of the "War Democrats," Democrats who supported the Union and the federal government. Stanton held other beliefs as well, quietly rejecting any support of slavery.

### *As Secretary of War*

Early on, this Democrat displayed Radical Republican characteristics, such as his support for the use of **African Americans** in the Union army. Even the new Republican president, Abraham Lincoln, eschewed such policy, fearing it would alienate northern soldiers and the border states. Early in 1862, Simon Cameron resigned as secretary of war, haunted by charges of corruption and laziness as the most critical department in the government fell into disarray. Lincoln, knowing Stanton's reputation as a hardworking, honest Democrat, saw the opportunity to clean up the department and create cross-party alliances. The next day, Lincoln appointed Stanton secretary of war. Secretary of State **William H. Seward** and Secretary of the Treasury **Salmon P. Chase**, both staunch Republicans, apparently supported Stanton's selection.

It was a brilliant choice. Man and office became one. Stanton was overly sensitive and pushy to the point of being hostile, but his work habits were outstanding. He brought order to the growing department, worked (i.e., lobbied) Congress successfully, and developed an early form of a "war council" that discussed the military events, policies, and programs to formulate advice for Lincoln. Honest and candid, he often upset the political generals and increasingly grew critical of McClellan's lack of engagement in attacking the Confederates. No aspect or element of the war effort escaped his notice.

Lincoln and Stanton worked together on a "hands-on" policy in directing the Union's military efforts. Slowly, Stanton left his Democratic fold and evolved into a Radical Republican, arguing for a "hard war" policy with confiscation of slaves and other property of rebel leaders. Stanton enthusiastically supported the **Emancipation** Proclamation, and was thrilled with its provisions for admitting African Americans into the Union army.

Supporting the Republican Party and saving the Union was now the same thing for Stanton. Stanton supported Grant's strategy, was less fond of **William T. Sherman**, and when assassins killed his commander in chief, he was personally responsible for bringing the conspirators to justice. He also had to struggle against the nasty rumors that he was somehow implicated in the president's murder.

### *As a Republican during Reconstruction*

The new president, Democrat Andrew Johnson, knew his legitimacy was thin, and so deliberately retained the cabinet of his successor. Johnson was

not unlike Stanton, or so it seemed. Johnson was a War Democrat, thoroughly committed to preserving the Union and crushing the rebellion, but whereas Stanton developed during the war, and moved to embrace the more active federal government and the possibilities awakened by first emancipation and then **abolition**, Johnson remained rooted in the antebellum period. The new president sought a quick and painless reconciliation, with little punishment for former rebels, and little offerings to former slaves. As a result, Stanton and Johnson soon clashed, with a great deal at stake: The secretary of war had charge of the army, a central player in all Reconstruction agendas. During **Presidential Reconstruction**, the South was an occupied territory, and beginning in 1867 and continuing through **Congressional Reconstruction**, the **U.S. Army** actually helped govern the region. So, the man in charge of the War Department had considerable influence over the execution of restoration programs in the former Confederate states. He could—and often did—issue orders, countermand orders, deliver interpretations favorable to Radical needs, and generally interfere with the president's use of the military.

By 1867, the president believed Stanton a traitor who was undermining executive power and using the War Department to advance a Radical Republican agenda. For just this reason, congressional Republicans had passed the **Tenure of Office Act** in March 1867, which prohibited the president from removing, without Senate consent, anyone appointed via Senate consent. In August, Johnson, believing the act unconstitutional (he had vetoed it) and inapplicable in Stanton's case (since he was appointed under another administration), took advantage of a loophole in the Tenure of Office Act, and *suspended* the secretary while the Senate was in recess. The president appointed General Ulysses S. Grant as secretary ad interim, and believed that he and Grant had an agreement: If the Senate did not consent in the suspension, the office would revert back to the president (not to Stanton). The Senate did not consent, but Grant shocked Johnson by returning the office to Stanton, who gladly reoccupied his old position. Johnson reacted swiftly and possibly irrationally when he removed Stanton altogether. Radicals in Congress charged the president with violating the Tenure of Office Act, and the first successful **impeachment** of a president followed.

Andrew Johnson escaped conviction in the Senate, and continued as president for the remainder of the term. Not so for Stanton, who did not actually stay in office; in an odd sort of compromise, Johnson held firm in his removal of Stanton but appointed moderate **John M. Schofield** as the new secretary of war. Not nearly as radical as Stanton, congressional Republicans concurred in the nomination since the issue had already been decided, and Johnson was eliminated as an obstacle. In a way, Stanton was no longer necessary, for the entire crisis had revealed a new ally and by this time Republican presidential nominee, General Ulysses S. Grant.

After leaving office, Stanton's health declined; asthma, stress, and long hours took their toll. Grant appointed him to the U.S. **Supreme Court** in December 1869, but he died before taking office. A man some referred to as "Lincoln's Mars" was a lightning rod for controversy and criticism, but he faced incredible challenges with professional aplomb and grim determination. Perhaps the fact that, in his last months, he was financially supported by his

friends gives a sense of what others thought of him. He had contributed all his health and wealth for his nation, and its continued existence was due in some part, to him. *See also* Command of the Army Act; Impeachment Managers; Military Reconstruction Acts; Recusants; Surratt, Mary (Elizabeth) Eugenia; Thomas, Lorenzo.

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Donald K. Pickens

### Stanton, Elizabeth Cady (1815–1902)

Elizabeth Cady Stanton was the foremost formulator and advocate of women's rights in the nineteenth century. She learned the tactics and absorbed the rhetoric of the antislavery movement, which hosted the women's movement through the Civil War. Stanton's early push for woman **suffrage** displayed both her precocious commitment to women's full participation in politics as well as her embrace of radical **abolitionist** goals. Through the Civil War, Stanton believed that working for abolition and for women's rights would result in the **emancipation** of both slaves and women. However, former abolitionists placed a clear priority on **black suffrage**, at least for men, at the beginning of Reconstruction, and Stanton broke ranks with them. She spent the postwar years creating an independent **women's movement** and looking for allies and strategies to acquire the vote for women and to reform other civil and political conditions of women's lives. She agitated for easier terms for divorce, availability of birth control, fair child custody laws, elimination of the sexual double standard, and married women's rights to own property and retain their wages.

### *Antebellum Reformer*

Stanton was born in Johnstown, New York, to a successful, self-made father, Judge Daniel Cady, and a very wealthy mother, Margaret Livingston Cady. She grew up deploring the legal inequities affecting women, their inferior **education**, and the religious and marital demands on women regarding submission and dependence. The dramatic contrast between the unusual freedoms of her affluent childhood and the increasing restrictions that gender imposed motivated her, in her later life, to educate Americans about the conditions that stymied women's aspirations to fulfill their human potential.

At twenty-four, Stanton met Henry Stanton, her future husband, abolitionist agent, and cofounder with Theodore Weld of Oberlin College, and married him the next year. That year, the couple attended an antislavery convention in London from which women were prohibited from participating. There, Stanton met the Quaker abolitionist and feminist, Lucretia Mott, who facilitated



her education in women's struggles and helped her to articulate her feminist impulses. Stanton also became an ally of **William Lloyd Garrison**, the radical abolitionist who encouraged women's activism on behalf of slaves as well as the female sex.

Stanton first lobbied the New York legislature on behalf of the Married Women's Property Act in 1843-1844. In this period, she also bore three sons and, in 1847, moved to Seneca Falls, New York. Her experience there of geographic isolation, the social isolation of motherhood, and her husband's long absences contributed to her determination to organize the first women's rights convention, which took place in 1848. Stanton drew up the convention's famous Declaration of Sentiments with its most controversial demand: woman suffrage. Her husband thought this provision a "farce," and even Lucretia Mott feared the ridicule it might provoke. Significantly, former slave **Frederick Douglass** alone supported her. They agreed that the vote was indispensable for independence and protection in a democratic republic with nearly universal white male suffrage.

In 1851, Stanton met Susan B. Anthony, a former teacher, temperance worker, and abolitionist who would share Stanton's commitment to women's rights. Anthony's skills as an organizer and the domestic help she gave Stanton permitted the latter to devote some of her own time to thinking and writing the documents that provided the theoretical foundation of the women's movement. During the 1850s, Stanton, with Anthony's unstinting help, tried unsuccessfully to transform a local temperance society into an

organization supporting woman suffrage and argued again in favor of married women's property rights before New York's state legislature. Unlike Anthony, Stanton was more interested in educating her audience with new ideas rather than producing immediate results, an attitude she shared with abolitionists who worked for decades to raise people's awareness of injustice.

Stanton demonstrated her skill in surprising (and dismaying) her audiences in important speeches in 1859 and 1860. She told the American Antislavery Society that it was the "only organization on God's footstool where the humanity of woman is recognized." She went on with an analogy between the conditions of women and slaves. Men were born with privilege, while woman "early learns the misfortune of being born an heir to the crown of thorns, to martyrdom, to womanhood."

More controversially, before the tenth Women's Rights Convention a few days later, Stanton attacked marriage and its effects on women. She denounced it as "legalized prostitution," and argued that while it was but one event in the life



Elizabeth Cady Stanton. (Courtesy of the Library of Congress.)

of a man “to women, marriage is all and every thing; her sole object in life . . . the subject of all her sleeping and waking dreams . . . personal freedom cannot now belong to the relation of wife, to the mistress of the isolated home, to the financial dependent.” She called for making marriage simply a legal **contract**, which either party could end in the event of cruelty, desertion, or drunkenness.

Stanton’s radical suggestion demonstrates the popularity that ideas of contract achieved through antislavery agitation and the concurrent idealization of wage labor as based on a contract freely arrived at between employer and employee. Stanton used the idea of contract to insist on women’s self-ownership and to cancel out the status as property of their husbands that women acquired at marriage. Abolitionists had routinely attacked slavery as violating a human being’s right to self-ownership. Stanton saw women’s self-ownership as potentially more revolutionary than men’s, inherently containing a radical assault on the convention of marriage that gave men control of their wives’ bodies. Contract theory and self-ownership, fundamental elements in abolitionist thought, had powerful, subversive potential when Stanton applied them to the status of married women. In a maneuver that prefigured postwar disputes between feminists and abolitionists, Garrison and **Wendell Phillips** prevented the American Antislavery Society from supporting Stanton’s proposals.

### *The Civil War and Reconstruction*

Stanton, unlike Anthony, was in favor of the federal prosecution of the war and believed women, if they supported the conflict, would benefit. She bowed to the conviction of abolitionist leaders that it was not a time for women’s rights conventions. Anthony, who was the more prescient of the two in this matter, reluctantly went along, but (correctly) anticipated that women would lose ground because of the war. In 1863, Stanton, Anthony, and Lucy Stone, at the suggestion of Henry Stanton, formed the Women’s National Loyal League and gathered 400,000 signatures to support Senator **Charles Sumner**’s constitutional amendment, a rejoinder to **Abraham Lincoln**’s partial emancipation act, to free all slaves everywhere.

With victory, the abolitionists were in a uniquely powerful position at the leading edge of the Republican Party to shape Reconstruction. Wendell Phillips, taking over the American Antislavery Society from Garrison, proposed an amendment to the **U.S. Constitution** to enfranchise former slave males to protect their precarious liberty. He insisted that the matter took precedence over women’s suffrage. Stanton argued that the last thirty years of agitation was not simply for the black man “as such, but on the broader ground of his humanity.” Humanity was equal in all people or it was not. Putting black men ahead of women created an “aristocracy of sex.”

Stanton and Anthony’s opposition to black suffrage without woman suffrage meant their increasing isolation from former allies, and when they gathered 10,000 signatures to include woman suffrage in the **Fourteenth Amendment**, Sumner did not even present their petition to the House. The two worked hard, but futilely, to push woman suffrage in state referenda in New York and Kansas. During the campaign in Kansas, when Stanton and Anthony

realized that the Republicans were actually sabotaging their efforts, they jeopardized their long alliance and looked for new partners. If Republicans could undermine woman suffrage, Stanton believed feminists were justified in racist attacks on black suffrage. Stanton and Anthony teamed up with and accepted financial support from George Francis Train, a wealthy member of the **Democratic Party** who believed in the inferiority of blacks, freedom for Ireland, and the eight-hour day. He funded Stanton and Anthony's publication of *The Revolution*, a journal advocating feminist causes.

Stanton's argument for woman suffrage was no longer the common humanity of all, but the superiority of women to blacks and immigrants. With the **Fifteenth Amendment**, she announced that Republicans had succeeded in establishing the "aristocracy of sex." Although she had rejected egalitarian arguments, Stanton continued to use the powerful metaphors of slavery to describe the disastrous results of legal and social sexism. She defended a battered wife whose deranged, alcoholic husband had shot her lover, writing "I rejoice over every slave that escapes from a discordant marriage."

The abolitionists and feminists tried for a last reconciliation in 1869, but the latter's effort to get the group to support educated suffrage and to denounce the Fifteenth Amendment failed, and Anthony and Stanton quickly organized the female-only National Woman Suffrage Association (NWSA), which opposed the Fifteenth Amendment, supported a sixteenth amendment for woman suffrage, equal pay for women, the eight-hour day, and a liberalized marriage contract with easier terms for divorce. Lucy Stone and other abolitionist-feminists established the American Woman Suffrage Association in response, a coeducational group to support the Fifteenth Amendment and work for woman suffrage and nothing else. The two organizations merged in 1890. Although Stanton helped found the NWSA, she distanced herself increasingly from organizations altogether and spent more and more time traveling and lecturing on women's issues.

By the end of Reconstruction, Stanton's wide interest in the many ways sexism dwarfed women's lives far outran her patience for organizing solely on suffrage. She was happiest agitating and educating, which she did throughout the 1870s, traveling eight months of the year for ten years. Stanton helped complete the first two volumes of the *History of Woman Suffrage*, continued to contribute writings to the movement, and published *The Woman's Bible*, an attack on sexism in Christianity. Her most active years of political work ended with the 1870s. Stanton had been the intellectual force behind the women's movement for more than three decades and had guided it from its twenty-five year alliance with abolitionists through its first ten years of independence. She remained its titular head until her death in 1902, but her unfettered radicalism increasingly outstripped the imaginations and desires of most of her contemporaries. *See also* African Americans; Civil Rights; Labor Systems; Republicans, Radical.

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*Martha Saxton*

### **Stephens, Alexander H. (1824–1883)**

The vice president of the Confederacy and early historian of the secession effort, Alexander Hamilton Stephens illustrated the interesting switch in the historical and ideological justification of the Confederacy. Before the war, Stephens argued that the slaves were inferior beings who had to be “protected” from the experiences of the world. After the war, Stephens proclaimed that the rebels’ defense of state’s rights was the major motive in the creation of the rebellious experiment in self-government.

Born near Washington, **Georgia**, Stephens experienced family tragedies early on. His parents, Andrew Stephens, a Piedmont farmer, and Margaret Grier, died within a year of each other. Andrew had considerably influenced the religious and political values of young Stephens. Thereafter raised by relatives, Stephens studied at what later became the University of Georgia. Ranked first in his class, Stephens briefly taught school, then turned to the study of law. By 1834, he was a lawyer and for five years served in the Georgia legislature.

Never married, Stephens was a small man who lacked any physical charms. His health was poor, and he constantly experienced bouts of chronic indigestion and arthritis. His personality and intellect were sharp; his opinions were delivered as mandates. Despite his frail stature, his fights were often physical encounters as well as political disputes. He fought at least five duels and negotiated several more.

In politics, Stephens was a Whig. He was a part of the Henry Clay wing of the party, and became a friend of a western Whig, **Abraham Lincoln**. His major policy concerns were economic developments. Elected to the U.S. House of Representatives, Stephens opposed the acquisition of **Texas** and he rejected John C. Calhoun’s contention that acquiring Texas was necessary for the security of slavery.

A proslavery southern moderate, Stephens worked closely with other members of Congress to pass the Compromise of 1850, but by 1852, the Whig Party no longer existed in Georgia. Stephens and others like him had moved into the **Democratic Party**, and supported the expansion of slavery and the popular sovereignty espoused by the 1854 Kansas-Nebraska Act. By 1859, he was expressing a fatigue with politics, and hoped to retire and return to law, or writing. The rise of the Republican Party, John Brown’s Raid, and the climactic election of 1860 prevented it. His moderation and Unionism were evident in his support of northern Democrat Stephen Douglas in the election, rather than the two southern candidates. With the frenzy of secessionist fervor that followed the election of Lincoln, retreat from politics became impossible.

Stephens, like many of his background, was a late convert to the secessionist cause. In Georgia, the secession force only carried the day by thirty-six votes. Once it was clear that Georgia was leaving the Union, and the federal government would resort to force to forestall it, Stephens supported his state. The key issue, Stephens would proclaim in his famous “Cornerstone Speech,” was slavery. According to Stephens, the institution, recognizing basic inequalities in races and traditions of subordination that date back to biblical times, was the bedrock of the South. Slavery was the social, political, and economic foundation of southern culture, the “cornerstone” of the best and purest element of American culture itself. The focus on slavery was his battle cry—and that of many others—but that argument shifted considerably come Confederate defeat.

In the late winter of 1861, following the formal creation of the Confederate States of America in Montgomery, **Alabama**, Stephens was selected vice president by the Confederate convention. His tenure was unhappy and unproductive. He so disliked and disagreed with the Confederate president, **Jefferson Davis**, that by 1863, Stephens abandoned the capital (which had by then moved to Richmond) and spent the remainder of the war in Georgia. About the same time, Stephens began adjusting his argument about secession, embracing state’s rights defense as justification for the creation of the Confederacy. Near the end of the war, he also offered his services as a mediator between the two governments, trying to parlay his old relationship with Lincoln into an acceptable peace for the Confederacy. Since Lincoln’s terms were unequivocal—Union, nullification of secession, and acceptance of all federal laws (including any pertaining to slaves and slavery)—these negotiations never amounted to much.

After the collapse of the Confederacy, Stephens—like his president—was briefly imprisoned. He returned to Georgia, and ventured back into law and writing. Some argue his new mantra—the rejection of slavery as a force behind secession—was an attempt to ameliorate sectional tensions and ease reconciliation of some sort. Stephens, and generations of historians after him, found refuge in legal and political explanations for the coming of war. Concepts of federalism, long-standing disputes over the range of federal and state jurisdictions, and fundamental questions over the nature of the Union itself—Was it a compact? Was it a voluntary association?—took center stage as theories for explaining secession. In 1867–1868, he published his ideas in volumes entitled *A Constitutional View of the Late War between the States*.

Later, Stephens was elected to the House of Representatives, and became a supporter of the **Grant** presidency. He contributed little, eventually leaving Washington and becoming governor of Georgia in 1882. Always rather sickly, his health quickly failed and he died in Atlanta. *See also* Abolition of Slavery; African Americans; Amnesty Proclamations; Emancipation; New Departure; Scalawags; U.S. Constitution.

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*Donald K. Pickens*

### **Stevens, Thaddeus (1792–1868)**

The leading **Radical Republican** in the U.S. House of Representatives during the Civil War and early Reconstruction, Stevens's motives, policies, and ideology have fascinated both contemporaries and historians. Born in Danville, Vermont, Stevens's father, Joshua, was a cobbler and land surveyor, and his mother, Sarah Morrill, a deeply religious woman. The family was poor, a condition made worse by Joshua's abandonment of his family. Stevens's mother protected him from as much hardship as possible, and encouraged his **education**, believing his intellect needed to overcome his physical defect, a clubfoot.

Stevens developed into an unusual man, handicapped, not handsome, with a caustic attack-and-belittle style. He gambled, did not attend **church**, never married, and yet raised two nephews. His motives are as complex as his personality. When historians try to explain his vicious, fanatical radicalism, some connect it to the historiographic reputation of the **abolitionists** and the causes of the Civil War. Other alleged motives include a crude Freudianism, stemming from his longtime relationship with an **African American** housekeeper. Others point toward a simple desire for economic revenge, since Confederate general Robert E. Lee destroyed Stevens's iron works near Gettysburg.

A more balanced view of Stevens's career reveals a man driven by deeper philosophical and ideological considerations. In fact, his policies and his ideology display a unity rarely seen in American politics. His entire life, Stevens championed educational causes and aid for the disadvantaged. Sarah, his mother, worked many jobs to provide for Thaddeus's well-being, and he never forgot his debt to her. Her faith and moral example undoubtedly were part of Stevens's drive to reform the South and assist African Americans.

### ***Stevens's Ideological Foundation***

Recently, historians have developed a deeper appreciation of the function of eighteenth-century political theory, republicanism, in shaping the ideas and institutions of the American polity. Briefly, this republicanism had two major parts. The first was the civic ideal of the "polis," in which the citizen defended the established order because that order gave him meaning in daily life and provided a critical sense of virtue to the individual. The ancient Greek city-state was the ideal. The second element was commercial republicanism, drawn from the laissez-faire thought of Adam Smith and the Scottish moral philosophers. Known as market liberalism in the nineteenth century, this laissez-faire creed supported the New England notions of personal austerity, social deference, and self-improvement. Combined with Protestant Christianity, this cluster of values furnished the philosophical basis for what became the radical program in post-1865 South. When Stevens argued and defended

these things, he was protecting his inheritance from his mother and his section of the country. Stevens saw the family, the church, and the school as institutions that were the means to the end of realizing a just and equal society. It was a long, difficult road that Stevens pursued before he was in a position to articulate those values to a national audience.

### *Prewar Roots*

Thaddeus Stevens graduated from Dartmouth College in 1814. The commencement address used classical rhetoric that dismissed vice and celebrated classical virtue as the only basis for a true republic. Legal desires for material and intellectual improvements allowed the individual to take part in a just society because it would be orderly and harmonious. Legitimate self-improvement allowed benefits to all members of society; therefore, the emergence of a market economy was innately liberating—all men could improve themselves to the best of their abilities.

Stevens practiced what he preached and what he learned. By 1815, Stevens moved to York, Pennsylvania, where he taught and studied law. Passing the bar, he moved to Gettysburg, Pennsylvania. He soon emerged as a leader in the county, as his legal practice brought in sizable fees, land, and contacts. He served on the Gettysburg Council for nine years, was active in the anti-Mason party, and supported the Whig program on internal improvements, banking, and public education. Elected to the Pennsylvania House of Representatives in 1833, he led the fight to save the Keystone State's public education system. In fact, he succeeded in strengthening the state educational system, which he saw as a means of social mobility.

The Age of Jackson was noted for its hostile politics and bustling economic trends, and Stevens saw his share of both. By 1838, Stevens was a victim of the "Buckshot War" in which a Democratic mob physically removed Stevens and other rivals from their offices. Although later returned to office, his political influence was markedly reduced. His financial fortune suffered as well, so in 1842, Stevens moved to Lancaster, Pennsylvania, in hopes of improving his condition. There, he began rebuilding his finances and his reputation, which grew due to his aggressive advocacy of controversial subjects. For instance, he embraced the unpopular cause of defending the **suffrage** rights of the state's free black population from attempts by the **Democratic Party** to disfranchise them. He pushed for stronger laws against southern slave catchers operating in the state. He continued to support the Whig program of internal improvements and stronger banking laws, and in 1848, managed to win election to the U.S. House of Representatives.

In Congress, Stevens quickly became an articulate foe of the "Slave Power," arguing that free land (i.e., nonslave, not gratis) makes free men. Wearing a red wig (his baldness the result of a fever as a young man) that often slipped in the heat of debate, Stevens took no verbal prisoners; he did, however, develop a compromising style in pushing legislation. He recognized that a half loaf was better than no loaf, and that passing a partial victory could open the door for further change in the future. He would not, however, always adhere to this conciliatory thinking.

As with many progressive reformers and Whigs, by the 1850s, the central issue facing the nation was stopping the spread of slavery into the West. The disintegration of the Whig Party itself spoke to the intensity of the debate, as battle lines were drawn along regional lines—the Democratic Party staking its future on slavery, finding comfort in its southern allies, and the coming of a new northern party, the Republicans, who opposed the expansion of the slave system. Stevens was almost too radical for the Republicans, but again his sense of compromise, rare as it might appear, convinced him that only the Republican Party could preserve the West as free soil.

### *Leader of the House during the Civil War*

Some historians believe that Stevens even welcomed the coming of the Civil War. As a promoter of capitalism, free enterprise, public education, and national banking, Stevens could see the American South as anathema, a rejection of everything he believed in. The war was a way of cleansing America, of moving forward in a moral and practical way, reshaping southern society along just, fair, and “modern” lines. As chairman of the Ways and Means Committee since 1861, Stevens had enhanced the federal presence in the economy with higher tariffs, pushed internal improvements, advocated national banking laws, and supported the Homestead Act. As the federal government girded for war, Stevens early on pushed for sterner war measures and a harsher prosecution of the war, including proposing national conscription (a draft) and the suspension of the writ of habeas corpus to allow the government to squash unpatriotic activity.

Stevens opined that President **Abraham Lincoln**’s war policy was far too conservative, especially Lincoln’s failure to see how the future of the Union and the **abolition of slavery** were innately connected (the same argument made to Lincoln by abolitionist **Frederick Douglass**). Stevens urged that African Americans be enrolled in the Union army and that **civil rights** be extended to all blacks—and even suffrage to males.

Union victory was to Stevens a godsend, a preordained, destined event by which the South—and its former slaves and former Confederates—were to be delivered over to the North, and the **Radical Republicans**, for judgment and reforming. Stevens’s concept of Reconstruction was destined to place him in some history books as a radical, bent on a punitive policy toward the southern states. True, his language was harsh and punitive in tone, but he was an idealistic realist who did recognize the need for compromise. Ultimately, he was unswerving in his desire to create a fair and just society where all could live and compete equally.

To set the blueprint for this new society, Stevens had to convince the president and his fellow Republicans in Congress what he believed: that the rebel states were conquered territories, without constitutional standing except as designed by Congress. They had waged war, been beaten, and now awaited whatever course of action the victors intended. The most important action to Stevens, the central part of the new framework, was entirely consistent with his career and ideology: economic stability. Stevens argued that a plan of land distribution to the freedpeople was essential for any real change



to take place, because otherwise no equitable order could exist in an agricultural region. A policy of land confiscation and redistribution fulfilled many needs: It punished traitors, rewarded blacks, and equalized an economically regressive society. The economic power of the planter's order must be eliminated if justice was to prevail. A Republican black yeoman class was both the ideal means and the perfect solution.

Stevens's plan was dead by February 1866, as he met with no support from the new president, **Andrew Johnson**, and little from his colleagues in Congress. Racist sentiment precluded such radical designs for the freedmen, and conservative American ideas about private property forestalled any major confiscations. Undaunted, Stevens continued his agitation for social justice while providing leadership in the House of Representatives. In 1866 and 1867, he defended the **Bureau of Refugees, Freedmen, and Abandoned Lands**, the **Civil Rights Act**, and the **Fourteenth Amendment**. As the founder of and ranking member on the **Joint Committee on Reconstruction**, Stevens urged a total reshaping of southern institutions, particularly landownership. He introduced the **Tenure of Office Act**, and a series of bills that became the 1867 **Military Reconstruction Act**. Stevens envisioned these as the vehicle for advanced economic change, but it fell short of his ideal; many in Congress, including his peer in the Senate, **Charles Sumner**, saw political rights as more important than economic ones. Stevens was never swayed, arguing that a more equitable distribution of land made the freedmen true citizens in a new republic.

For obvious reasons, Stevens was a bitter opponent of President Johnson. Considering Johnson's lenient treatment of former Confederates, eagerness to extend amnesty, total rejection of land confiscation (even overturning **Sherman's** meager **Field Order No. 15**), and open disdain for what he called "class legislation" to help African Americans, reconciliation between the men was impossible. Seeing the congressman as a dangerous fanatic, Johnson lashed out at Stevens publicly in his **Washington's Birthday speech** and during his **Swing Around the Circle** campaign tour.

As a result, Stevens was among the first to openly call for the **impeachment** and removal of President Andrew Johnson. In part, his Committee on Reconstruction was as much about blocking Johnson's program as it was instituting the Republican one. Following Johnson's removal of Secretary of War **Edwin Stanton**, the House voted to impeach the president and created a committee of **impeachment managers** to serve as the prosecution in his Senate trial. Stevens was, of course, named to the body, but his health had declined rapidly, so he was unable to play an active role; during the trial, proxies had to read his speeches and comments, as Stevens was unable to rise and sometimes even attend.

As with his dreams of creating a new economic and social order, his mission to unseat the president failed as well. Johnson survived the trial, was acquitted in May, and continued as president. Stevens never recovered his health, and died in Washington in August, feeling bitter and betrayed.

Stevens had chosen for his burial an interracial cemetery in Lancaster, Pennsylvania. His tombstone's epitaph, written by Stevens himself, is a fitting summary of the life and thought of a critical contributor to the America that

emerged from the ashes of the Civil War: "I repose in this quiet and secluded spot, not from any natural preference for solitude But, finding other Ceme-teries limited as to Race, by Charter Rules, I have chosen this that I might illustrate in my death, the Principles which I advocated Through a long life: EQUALITY OF MAN BEFORE HIS CREATOR." *See also* Agriculture; Amnesty Proclamations; Ashley, James M.; Black Suffrage; Butler, Benjamin Franklin; Civil Rights Act of 1875; Confiscation Acts; Congressional Reconstruction; Contracts; Davis Bend, Mississippi; Edisto Island, South Carolina; Emancipation; Freedmen's Relief Societies; Freedmen's Bureau Bills; Julian, George Washington; Labor Systems; Loyalty Oaths; National Union Party; Port Royal Experiment; Presidential Reconstruction; Republicans, Moderate; Share-cropping; U.S. Constitution.

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*Donald K. Pickens*

### **Stockdale, Thomas R. (1828-1899)**

Thomas Ringland Stockdale was born on March 28, 1828, near West Union Church, Greene County, Pennsylvania. The fourth of William and Hannah McQuiad Stockdale's six children, he graduated in 1856 from Jefferson College in Canonsburg. The following year, Stockdale immigrated to **Mississippi**, working as the principal of Holmesville Academy during the day and studying law in the office of John T. Lamkin, a future Confederate congressman. In 1859, after a year at the University of Mississippi, Stockdale was admitted to the practice of law.

Two years later, he abandoned his profession when his adopted state seceded. He organized a company of volunteers, and entered Confederate service as part of Mississippi's Sixteenth Infantry regiment. Rising to the rank of major, Stockdale remained with the Sixteenth Infantry in **Virginia** for nearly a year, but by the summer of 1862, he was back in the Holmesville area organizing a new company of volunteers. Stockdale ultimately rose to the rank of lieutenant colonel and led a battalion of the Fourth Mississippi Cavalry as part of **Nathan Bedford Forrest's** command.

After the close of the Civil War, Stockdale returned to Pike County and reopened his legal practice in Summit. An active member of the **Democratic Party**, he attended the national convention in 1868 and was a Democratic presidential elector for the elections of 1872 and 1884. In the latter year, Stockdale was also chosen as the Democratic candidate for Mississippi's Sixth Congressional District. His Republican opponent in the contest, **John R.**

**Lynch**, later wrote that Stockdale, “felt that he had been nominated to go to Congress peaceably and fairly if possible, but go in any event.”

Stockdale served in the Congress from 1887 to 1895. Adherence to the gold standard and personal rivalries within the Democratic Party, however, prevented his renomination. In 1896, he was appointed to the Mississippi Supreme Court. On January 8, 1899, Stockdale died at his home in Summit, Mississippi. *See also* Amnesty Proclamations; Congressional Reconstruction; Lynch, James D.; Revels, Hiram R.

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*Martin J. Hardeman*

## Suffrage

Nineteenth-century thought was divided over whether suffrage was a right of citizenship or a privilege based on **education** and responsibility. In colonial America, suffrage was curbed everywhere by religious affiliation, gender, property holding and—in most instances—race. Since, as men believed, government was established to defend liberty and property, voters and government officials needed to possess a modicum of each. Between 50 and 80 percent of adult white males were eligible to cast ballots, depending on local restrictions; this represented between 10 and 16 percent of the total adult population. In practice, however, average voter turnout ranged from 40 percent in **Virginia** down to 10 percent in Massachusetts and Connecticut.

### *Antebellum America*

After 1776, everything changed. With the political and legal upheaval of the American Revolution, and the economic changes of the market revolution, a veritable “age of democracy” sprang up after 1815. Property and religious qualifications for suffrage were swept away everywhere by 1840, while race became even more entrenched as an obstacle. By the late antebellum period, between 70 and 80 percent of white male citizens turned out to vote. New fears of corruption flourished briefly, and nativists attempted to impose lengthy periods of political apprenticeship for immigrants, but those efforts ended in failure. Extending the franchise had played an important role in defusing class antagonism, but by the 1850s, the cry of popular sovereignty had lost much of its radical edge. Indeed, in the person of Stephen Douglas, democratic home rule manifested itself as vague and unprincipled compromise, an attempt to paper over conflicts between slavery and free labor that threatened to split the nation.

The expansion of white suffrage went hand in hand with the elimination of black voting rights across the antebellum North. **Abraham Lincoln** himself publicly opposed equal suffrage for free blacks as late as 1858. Midwestern

states such as Ohio, Illinois, Indiana, and Wisconsin worked hard to bar black immigration altogether (the latter three wrote racial bans into their constitutions), and emigrants carried exclusionary ideas westward to Oregon and California. New Yorkers never denied blacks the right to vote, but held them to discriminatory property qualification rules after 1821. More problematical in most of the North, as Alexis de Tocqueville noted, “if [African Americans] come forward to vote, their lives are in danger.” Shrewd Republicans like Lincoln recognized that white politicians who advanced **black suffrage** too recklessly risked their own political necks.

At the outset of the Civil War, only five states in the nation, all in New England, permitted blacks to vote on the same basis as whites. All states denied women, and many states from each section of the country had additional suffrage restrictions, denying Chinese, illiterates, or those too poor to pay taxes. **Abolitionist Wendell Phillips** supported **African American** suffrage as early as 1863: “The nation owes the negro, after such a war, in which he has nobly joined, not technical freedom, but substantial protection in all his rights.” **Frederick Douglass** declared that the right to vote was “the keystone to the arch of human liberty.” Reverend Henry Ward Beecher joined the debate in 1865, when he defined the right to vote as “God given.” It was “not a privilege or a prerogative, but a right.” More Americans, however, agreed with President **Andrew Johnson** that it was wrong to give the right to vote to “a new class, wholly unprepared” for democracy. Between 1863 and 1870, proposals to enfranchise African Americans were overwhelmingly defeated in more than fifteen northern states and territories.

### *Reconstruction, the South, and the Suffrage Question*

After Appomattox, **Radical Republicans** took up the cause of black suffrage in spite of the considerable political risk it entailed. Though some historians have considered Radical Republicans’ support for African American enfranchisement as evidence of crass calculation or vindictiveness toward former rebels, it clearly was not. Republicans, after all, did not need to convert southern states to their cause to hold onto national power; they had to keep the North solid. What some have considered to be “timidity” on the issue of pushing suffrage in the South actually “meant flirtation with political disaster in the North.” Democrats and conservative Republicans welcomed Radical altruism on voting rights as an opportunity to shatter the dominance of that political coalition.

Lincoln had been wary on the issue throughout his presidency. His wartime proclamations granted African Americans no voting rights, nor did they bar white ballots. Though radicals like **Charles Sumner** and **Salmon Chase** goaded him to act, Lincoln considered the franchise a state matter on which he doubted his authority to intervene, even as commander in chief charged with subduing a rebellion. Privately, he urged **Louisiana’s** governor to consider limited African American suffrage in writing a new state constitution, and he lent support to congressmen who proposed extending the franchise to **black troops**, but both efforts failed. Following his reelection in 1864, Lincoln called for allowing “the very intelligent, and those who served our cause as soldiers” to vote.

After becoming president, Andrew Johnson refused even this minor concession, content simply to reestablish prewar voting arrangements as quickly as possible. Yet even committed abolitionists like **William Lloyd Garrison** balked at giving freedmen the vote. Abolitionist propaganda prior to the war denounced the debilitating effect of slavery on African American men; that argument made it difficult to say they were now completely capable citizens. Though African American enfranchisement was a cherished goal for Radical Republicans, many insisted on a go-slow approach in 1865–1866. It was mostly social reformers, North and South, who championed immediate voting rights for freedmen during this period.

Southern intransigence gave congressional Radicals the opportunity they longed for. In the winter of 1865–1866, Johnson-backed legislatures, packed with elite ex-Confederates passed a series of **Black Codes**, expressly denying African Americans social and political equality with whites. The Black Codes brought people to the same conclusion as Phillips: Without the right to vote, “freedom, so called, is a sham.” The ballot was necessary if African Americans were to protect their own **civil rights**. The African American **church**, voluntary organizations, and individuals knew that the right to vote was essential to securing liberty. African American men demanded that right, and white Republicans concurred. In meetings, parades, and petitions to Congress, the former slaves pressed for the ballot as their only weapon. Without the right to vote, liberty could be quashed.

African Americans in the South (not the nation as a whole) gained access to suffrage when Congress passed the 1867 **Military Reconstruction Act**. The act divided the South into five military districts for law enforcement and set up the protocol for states to gain **readmission** to the Union. State governments existed at the mercy of army officials, former Confederates were broadly **disfranchised**, and new **constitutional conventions** set in motion. Specifically, states had to ratify the **Fourteenth Amendment** and write new state constitutions. For the purpose of choosing electors to these meetings, universal manhood suffrage was established, regardless of race.

Across the South, black and white convention delegates advocated universal male suffrage, reorganization of the courts, division and sale of unoccupied land among the poorer classes, and caution in the restoration of rights of those lately guilty of treason. States ordered compulsory education “to be opened without charge to all classes of the people.” Unsurprisingly, across the South in 1867 and 1868, Republican-dominated conventions and legislatures ratified the Fourteenth Amendment and codified the right of African Americans to vote in state elections and to hold public office. Congress itself had already pointed the way in January 1866, affirming African Americans’ suffrage rights in the **District of Columbia**. By contrast, diehards in **Kentucky** (which had never seceded, and so was exempt from these measures) did not ratify the amendment until 1976. By June 1868, seven states had passed new constitutions granting citizenship and the right to vote to previously enslaved men. African American men responded in a big way. Louisiana was typical; approximately 90 percent of black males of voting age in the state registered to vote in 1867. Those whites who thought the newly freed slaves would not bother voting were mistaken. As a white Republican from **Alabama** put it,

“The negroes voted their entire walking strength—no one staying at home that was able to come to the polls.” With voting open to all men, and with election procedures supervised by the federal government for the first time, an interracial democracy took hold in the former Confederate states. In Louisiana, for example, the new state legislature in 1868 was half white and half African American. African Americans held the offices of lieutenant governor, state superintendent of education, and state treasurer. At the local, parish level, African Americans served as sheriffs, mayors, and policemen. This repeated itself in every southern state. Suffrage meant that, where a coalition of African Americans and white Republicans were in the majority, African American leaders won elections. In the presidential **election of 1868**, Republican **Ulysses S. Grant** won by 300,000 votes in an election in which 700,000 African Americans voted.

The right to vote meant political power, and political power directly and personally influenced economic opportunity by prohibiting job discrimination. Moreover, in areas where Republicans controlled the political process, African Americans brought about reform in women’s rights and divorce laws. They ended some of the exploitation of children in apprenticeship. They reformed orphanages and asylums. A lasting legacy of Reconstruction was the support of public education for all children in the South. They also reformed the penal system, ending inhumane punishments such as disfigurement, and ending imprisonment for debt. They outlawed discrimination on any public transportation, and most **Jim Crow** legislation in the South did not come about until Reconstruction was actively overturned.

### ***Black Suffrage in the North***

Ironically, by 1870, southern state constitutions allowed universal male suffrage, but nonsouthern states did not. Between 1865 and 1869, eight northern states held eleven referendums on equal manhood suffrage. All but two went down to defeat. In solidly Republican states like Minnesota, Kansas, and Ohio, voters refused to extend franchise rights and punished politicians who promoted them. In Illinois, Indiana, Pennsylvania, and New Jersey, such measures were considered too risky to even bring before the electorate. Yet Republicans were willing, again and again in these years, to champion equality of male suffrage—and to pay the political cost of their convictions. Meeting in Philadelphia in 1866, the Republican National Convention supported African American enfranchisement by a narrow margin. Two years later, their platform called for the removal of suffrage restrictions in the South, linking the extension of the franchise to the issue of Civil War debt repudiation. On voting in the North, though, they stayed mum, recognizing the political need to speak and act forcefully after, not before, elections.

To secure the right to vote nationwide, congressional leadership mobilized northern members of Congress to propose on February 26, 1869, an amendment to the Constitution, “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.” When Republican legislators in New York ratified the **Fifteenth Amendment** in 1869, voters turned

them out in favor of gloating Democrats, who promptly rescinded the measure. Illinois, Pennsylvania, and Ohio—crucial Electoral College states—all refused to affirm equal suffrage.

### *Women's Suffrage*

Women interested in suffrage for themselves expected to be included in the Fifteenth Amendment. African American suffragist Sojourner Truth pointed out that everyone, “whatever their sex or color,” had a “common cause” in needing the right to vote. As the Civil War ended and Reconstruction began, women like Truth, Lucy Stone, **Elizabeth Cady Stanton**, and Susan B. Anthony were optimistic about the future. Anthony and Stanton published a magazine centered on women’s suffrage, *The Revolution*, with the motto: “The true republic—men, their rights and nothing more; women, their rights and nothing less.” These women anticipated that democracy outlined in the proposed Fifteenth Amendment would also apply to women. Their optimism was unfounded. Men were not willing to give women the right to vote. Some of the women who had subordinated their cause to join with abolitionists felt betrayed. Anthony and Stanton were among the women suffragists who thought voting was a privilege better left to the educated and well-off; these women thought they were better qualified than poor, “ignorant” former slaves, or for that matter, than northern immigrants who might be dependent upon machine politics for jobs.

At an Equal Rights Association Meeting in New York in May 1869, some spoke out in opposition to Anthony’s principle of “Educated Suffrage.” One man declared himself “as an enemy of educated suffrage, as an enemy of white suffrage, as an enemy of man suffrage, as an enemy of every kind of suffrage except universal suffrage.” Frederick Douglass joined the denunciation, willing to put aside women in the quest for black suffrage: “I must say that I do not see how any one can pretend that there is the same urgency in giving the ballot to woman as to the negro. With us, the matter is a question of life and death, at least, in fifteen States of the Union.” He specified that women were not “dragged from their houses and hung upon lamp-posts.” When women were “objects of insult and outrage at every turn,” then, according to Douglass, “they will have an urgency to obtain the ballot equal to our own.” Julia Ward Howe concurred with Douglass; at a different convention, she stated, “I am willing that the negro shall get the ballot before me.”

### *Rolling Back the Suffrage Tide*

The unsuccessful crusade of northern suffragists to include gender equality in the Fifteenth Amendment caused a rift in the **women’s movement**. Many followed Anthony and Stanton, who ceased calling for racial equality. Others followed Stone and Howe, continuing to fight for African American rights as well as women’s rights. Their efforts concentrated on state constitutions. Although not many women lived in the West, Wyoming and Utah territories granted women the vote in 1869 and 1870 (which Congress rescinded in 1884). Women continued to take collective, direct action by attempting to register and cast ballots wherever they could. In a few cases, such bids succeeded; other

challenges were turned away or channeled into the court system. A case brought by suffragist Virginia Minor claimed that the Fourteenth Amendment defining citizenship automatically granted the right to vote. In 1875, the case (*Minor v. Happersett*, 88 U.S. 162) reached the U.S. **Supreme Court** and met crushing defeat. The Court ruled unanimously that the Constitution did not “confer the right of suffrage upon any one.” Voting was not a right of citizenship, but a privilege granted by government, which was charged with maintaining social order. Not only did this decision give American women the back of high court’s hand; it laid the legal groundwork for African American **disfranchisement** in the years ahead. Nationwide, women were not granted the right to vote until 1920, with the passage of the Nineteenth Amendment.

The Fifteenth Amendment was ratified on February 3, 1870, carried by eight of the former Confederate states as well as states in the North and West. The amendment declared that a citizen’s right to vote could not be abridged on the grounds of race or previous condition of servitude. It upheld impartial, but not universal suffrage. Within months, however, bitter racist reaction set in. In the South, paramilitary **violence** spiked and continued at high levels through 1876. Before 1868, **Ku Klux Klan** terror had focused on racial control of land and labor; after the achievement of African American suffrage, political assassination, voter intimidation, and election fraud ruled the agenda. In the North, whites simply turned their backs on the Republican cause in the 1870 elections. Even in counties where African Americans had a higher-than-average presence among the electorate, in many—perhaps most—cases, they were unable to counteract the effects of the majority of local whites who switched sides or stayed home. The high price Republicans paid for backing the suffrage amendment may partially explain why Congress failed to enact legislation addressing violence at southern polling places. A stable majority of northern white voters had never been assembled to fight for African American rights in their own region. They did not grow “tired” of the difficulties of reconstructing a racially divided South—most were lukewarm to black civil and voting rights from the outset.

After 1876, voting rights for African Americans and other racial minorities, as well as immigrants and poor whites—were rapidly rolled back, often in the name of positive reform and the usually half-baked desire to eliminate “corrupt” elements from the ranks of potential voters. By the 1890s, disfranchisement was the norm. (Native Americans were not declared citizens until 1924, but voting rights were determined on the state level. Americans of Asian descent became eligible for citizenship in the 1940s and 1950s.) In the South, the Fifteenth Amendment’s support of the right to vote was diluted after **Redemption** and the overthrow of Reconstruction. **Poll taxes**, multiple ballot boxes, at-large elections, and the use of literacy tests, while outwardly race neutral and so in keeping with the requirements of the Fifteenth Amendment, were actually ruthlessly biased in conception and administration. In response to public outcry that the white sons of Jacksonian freemen would be turned away from the polls by reason of poverty or poor reading skills, southern legislatures commonly tacked on a technique they learned from Massachusetts, the so-called “grandfather clause,” allowing citizens the right to vote so long as one of their grandparents had previously cast a ballot. The color line had come down



on political life across the South and beyond. It would take a Second Reconstruction, three generations hence, to restore what had been snatched away. *See also* Black Politicians; Bourbons; Bureau of Refugees, Freedmen, and Abandoned Lands; Carpetbaggers; Compromise of 1877; Congressional Reconstruction; Democratic Party; Elections of 1864; Emancipation; Enforcement Act (1875); Enforcement Acts (1870, 1871); Freedmen's Relief Societies; Pardons; Presidential Reconstruction; Republicans, Moderate; Union League of America; U.S. Constitution; Woodhull, Victoria C.

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Vernon Burton

### Sumner, Charles (1811-1874)

Pompous, vain, and brilliant, Charles Sumner was the voice of moral certainty during the Civil War and Reconstruction. One of most educated and talented senators in American history, Sumner always saw a clear path between duty and its fulfillment. His policy voice carried a moral imperative. To understand Charles Sumner is also to understand the Civil War and Reconstruction. Sumner was a leading **Radical Republican** providing political leadership and policy direction. His advocacy of **civil rights** for the ex-slaves coupled with his desire to reform southern society contributed to his reputation for vindictiveness. At the end of his life, he recognized the incompleteness of Reconstruction, and possibly the reason the entire nation needed reform. Just as the historiographic interpretation has passed that portrayed Radicals as villains, their motives progressed in a similar fashion from mere political ambition to being disinterested champions of civil rights and social justice. In his career, Sumner never suffered from second thoughts; at home in the worlds of thought, ideology, and practical affairs of state, he strove for his ideals.

#### *Antebellum Reformer*

Born in Boston to Relief Jacob and Charles Pinckney Sumner, a lawyer and sheriff, the family was committed to humanitarian reform and middle-class

uplift. Not marrying until quite late in life (in 1866), Sumner and his wife, Alice Mason Hooper, were extremely unhappy; within a year, they separated and divorce soon followed. He remained close to his immediate family, but his crusades in reform and justice were his life, and he often sacrificed friendships in the defense and advancement of them. Some of his objectives were not achieved until a century or more after his death.

Sumner entered Harvard when he was fifteen. He excelled in history and literature. After graduating in 1830, Sumner enrolled at the Harvard Law School. He was a dedicated student who soon became **Supreme Court** Justice Joseph Story's student. Sumner truly enjoyed legal scholarship and writing; rhetoric was second nature to him, and speech making was his well-developed craft.

He practiced law from 1835 to 1837, but disliked the experience in the extreme. He found the "nuts and bolts" of the legal system uninspiring and dull. Similarly, Sumner rejected the popular Jacksonian **Democratic Party**, and held a certain disdain for politicians generally. Instead, his father's religious values and his own, Unitarianism, guided him toward the antislavery crusade. The opposition of the proslavery Jacksonians helped move him in the direction of reform. Embracing reform agenda moved him into the elite literary and reform culture of Boston, where such notaries as Ralph Waldo Emerson, Samuel Gridley Howe, and Henry Wadsworth Longfellow became his friends. When he went abroad to study—spending twenty-nine months in Europe—he continued to move in reform and progressive cultural circles.

By 1840, Sumner was back in Boston, eager to continue his reformist crusade. Along with other Unitarian friends, such as William Ellery Channing, and reform pacifists, Sumner began his agitating for public **education** and prison reform. His means did not match his goals, however, and Sumner understood he lacked a political platform from which he could wield real influence. That changed in 1845, when he delivered a July 4 oration that reviewed from a critical perspective the militarism of America's past and its imperial ambition in the southwest. Sumner condemned American aggression in the Mexican War, and argued the immorality of seizing land to expand the slave system. In one place at one time, he displayed his character: brashly advocating unpopular moral agendas in the face of defiant opposition. Out of hue and cry of the reaction to the speech, Sumner's reputation was born.

The pacifist morality led Sumner to the Conscience Whigs, who opposed the policies of James K. Polk and the expansion of slavery. To him, this was completely out of step with the moral progress of the nineteenth century. As an orator, Sumner enjoyed using grand words and sweeping historical generalizations. In the process, Sumner alienated the Cotton Whigs, who supported southern interests for party unity and economic interests.

By the war's end, Sumner and many other northern Whigs had joined the Free Soil Party, which proposed halting the spread of slavery into the West and granting homesteads to white farmers moving westward. He also fought for school integration in Boston in 1849. He lost that battle, but gained a wider leadership in reform circles.

In 1851, the Free Soilers combined with antislavery Massachusetts Democrats to place Sumner in the U.S. Senate. Shocked by the "immorality" of

the Compromise of 1850, Sumner's maiden speech was four hours long and dealt with the necessity that runaway slaves should remain free. Sumner drew the unvarnished ire of the many southerners, and the applause of many in the North. He was on a trajectory that placed him a few years later at the genesis of the Republican Party.

### *Sumner, the Republicans, and Civil War*

The 1850s were a dynamic, dangerous period for the nation, and Sumner was in the midst of that chaos. An outspoken opponent of the Compromise of 1850, four years later, he turned his venom on the Kansas-Nebraska Act, which allowed popular elections to validate slavery in the territories. Little surprise that Sumner was a Republican from the birth of the party, a virulent antisouth, antislavery New Englander who saw American progress itself hanging in the balance. His caustic and acerbic speeches on the floor of the Senate became famous, and led to one of the most infamous events in the history of Capitol Hill. In May 1856, Sumner had argued in a speech about the hostilities in Kansas that Senators Stephen A. Douglas and Andrew Butler supported "that harlot, slavery" whose every wish directed their political activities. Butler's nephew, Preston Brooks, assaulted Sumner two days later, while the senator read mail at his desk; Sumner was beaten into a coma, and was absent from the Senate for three years. The cry "Bleeding Kansas and Bleeding Sumner" rallied northerners against a barbaric, violent southern culture where law and morality seemed nonexistent. His vacant desk was a powerful symbol for the growing hostility toward the South and its institutions of slavery; Massachusetts reelected him in 1857, even though he was still in convalescence. He did not return to the Senate until 1859, weaker, slightly hobbled, but as aggressive and forceful as ever. A four-hour speech, "The Barbarism of Slavery" rallied the antislavery groups to the call for action.

When the Civil War came, Sumner saw an opportunity, not a catastrophe. He believed the North would triumph, and anticipated great changes stemming from Union victory—including **abolition**, equal rights, and even **black suffrage**. Sumner was among the first to press for **emancipation** for the slaves, arguing for such in the summer of 1861. In a series of minor actions, Sumner directed the legislative attack against the hated institution. He constantly appealed to President **Abraham Lincoln** to take action against slavery, and pushed the commander in chief to recruit **African Americans** for the Union army.

Despite his belief that Lincoln approached the war too conservatively, Sumner became a confidant of the president's, which caused considerable friction with his chief rival, Secretary of State **William H. Seward**. In several instances, Sumner, as chairman of the Senate Foreign Relations Committee, intervened in cabinet affairs and advised Lincoln differently than Seward. The most famous instance involved the capture of the Confederate ministers, James M. Mason and John Slidell, who were headed for Europe. In the resultant "Trent Affair" (named after their packet steamer, the "Trent"), Sumner pushed for their release and made apologies to England for sovereignty

violations; Seward wanted war. Lincoln, in his biting rebuke to Seward, "One war at a time, Mr. Seward," concurred with Sumner and avoided hostilities. A practical man who sought practical solutions, Sumner had no love for Great Britain, and criticized the government's subtle support of the Confederacy and its irrational defense of the South's immoral slave system.

As Union victory seemed more and more likely, the clash between Lincoln and the Republicans in Congress left Sumner empty. Sumner wanted real change in the South, and even feared the war would end too early, before the potential fruits of victory could ripen. He believed that no proposal or reconstruction design could ignore the single most important element necessary for a new beginning: black suffrage. Thus, he applauded neither Lincoln's lenient plan for **readmission**, nor the more stringent guidelines set forth in the **Wade-Davis Bill** (which ignored **suffrage** issues).

The **assassination** of Lincoln shocked Sumner, who stayed at the president's bedside the entire night, until he finally died. Like many Americans, Sumner came to recognize the genius and political skills of Lincoln. Of his successor, **Andrew Johnson**, little was known: Sumner had been in the Senate with the southern Democrat, and was encouraged by his Unionism and strong performance as **military governor** of **Tennessee**.

Despite this early impression that Andrew Johnson was an ally, it was soon apparent that he was a knave and represented all the limitations that Sumner saw in his opposition. Reconstruction was a complex situation. Motives were mixed and ranged from the cynical and the racist to high moral idealism. Through it all, Sumner remained a constant champion of reform, and considered Johnson's vetoes of moderate pieces of legislation victories, knowing it would alienate Republicans against him. However, racism, political selfishness, and the separation of powers in the federal system limited the application of Sumner's concept of "state suicide," his theory that rebel states lost all rights and privileges when they attempted to leave the Union. They thus reverted to territorial status, which placed them under the control of Congress.

With the exception of a few other "pure" radicals, such as **Thaddeus Stevens** in the House of Representatives, most Republicans found Sumner's views too unprecedented and too risky. Like Stevens, Sumner watched as his ideal pieces of legislation were watered down and frittered away to make passage possible, as Moderate Republicans really controlled the tempo of Congress. He enjoyed a few real successes, such as the act to enfranchise black males in the **District of Columbia**, but most of the legislation was too conservative for his goals.

Reconstruction never approached the possibilities Sumner set out for it. For him, it seemed as though the cost of the war, the expenditure in blood and treasure, was wasted, as golden opportunities for real reform and progress evaporated. President Johnson was part of the problem, and Sumner was an early advocate of impeaching and removing him. Sumner was extremely frustrated as Johnson's trial fell short of removal, but he was also frustrated with his fellow Republicans for not convicting the president (some say it was Sumner who first charged **Edmund Ross** with receiving a bribe to vote "not guilty") and for squandering the hopes of Reconstruction in general. This

frustration grew over the years, as he saw limited legislation enforced in a limited way and with limited success.

He had low expectations for **Ulysses S. Grant**, not really seeing him as a proponent of African American rights or human equality in general. Sumner was unfortunately accurate in his assessment, and the senator found himself drifting from Grant and the Republicans. Alarmed by the rise in **violence** in the South, Sumner criticized the halfhearted enforcement policy, and admonished the Congress for turning its back on southern Republican governments. To show his exasperation, Sumner even voted against the **Fifteenth Amendment**, astutely noting its “negative” phrasing would allow for all manner of circumvention, and blacks would be **disfranchised** as a result (which is precisely what occurred). By the early 1870s, Sumner clashed with Grant head-on, as his chairmanship of the Senate Foreign Relations Committee allowed him to derail one of the early negotiations over Civil War claims with Great Britain, as well as several annexation schemes, including taking the Dutch West Indies and the Dominican Republic. While his demand for Canada as compensation for England’s assistance of the Confederacy may have been unreasonable, his opposition to Grant’s acquisition plans made moral and practical sense. The disagreements between Grant and Sumner over the administration’s aggressive foreign policy, and the administration’s growing problems with **scandal**, cost him his committee seat and his party; by 1872, he was part of the **Liberal Republican** bolt.

As the years passed, other issues and other men emerged and quarrels moved on to other topics—the economy, the West, the **American Indians**. Sumner remained the champion of African American’s full citizenship and their right to a decent living. He supported the constitutional amendments arising from the politics of Reconstruction. To the end of his career, he fought for civil liberties and against discrimination in all its various forms. Legend has it his dying words were a plea to save his civil rights bill, awaiting vote in Congress. In a bittersweet final act, perhaps in honor of the great senator, Congress did pass the **Civil Rights Act of 1875**—but without the key components and most important provisions that Sumner had proposed.

Despite some human vanities, Sumner saw clearly the necessity for a significant and lasting reformation of American life and politics. Unfortunately, it took more than a century for the nation to realize the validity of his vision. *See also* Agriculture; Amnesty Proclamations; Ashley, James M.; Black Suffrage; Butler, Benjamin Franklin; Civil Rights Act of 1875; Confiscation Acts; Congressional Reconstruction; Contracts; Davis Bend, Mississippi; Edisto Island, South Carolina; Emancipation; Freedmen’s Relief Societies; Freedmen’s Bureau Bills; Impeachment of Andrew Johnson; Julian, George Washington; Labor Systems; Loyalty Oaths; National Union Party; Port Royal Experiment; Presidential Reconstruction; Republicans, Moderate; U.S. Constitution.

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*Donald K. Pickens*

## Supreme Court

Before the Civil War, the Supreme Court had accommodated and even promoted slavery. Republicans had condemned its ruling in the Dred Scott case, *Scott v. Sandford* (1857), that **African Americans** were not citizens of the United States and that Congress lacked the authority to ban slavery from the territories. Although the Court had generally sustained the government's wartime policies, the fear that it would undermine measures to abolish slavery was a powerful motive for securing **emancipation** with the **Thirteenth Amendment** to the **U.S. Constitution**. President **Abraham Lincoln** hoped to create a more sympathetic Court by naming **Salmon P. Chase** chief justice upon the death of Roger B. Taney. Chase had been the Republican Party's leading constitutional expert, the foremost proponent of the Republican argument that the federal government was constitutionally obligated to promote freedom rather than accommodate slavery. Since Chase was a leader of the radical wing of the Republican Party, Lincoln probably hoped that he would not only influence the Court but also help to restore its prestige.

### *Early Restrictions on Reconstruction*

Despite Chase's presence as chief justice, and the service of four other justices appointed by Lincoln, several decisions suggested that the Court was not in full sympathy with the Republican program of Reconstruction. Moreover, Chase, who was required by the Constitution to preside over the **impeachment** trial of President **Andrew Johnson**, played a key role in securing his acquittal. Although Republican President **Ulysses S. Grant** named several more Republican justices, the Court's restrictive interpretation of federal power under the **Fourteenth** and **Fifteenth Amendments** helped to undermine the government's ability to protect the rights of its citizens after the war even as it demonstrated the Court's continuing influence over public policy.

Most Republicans insisted that the federal government retain military control over the southern states after the war, exercising martial law and where necessary using the army and military courts to maintain order. However, in April 1866, the Court in *Ex parte Milligan* freed an Indiana Copperhead who had been sentenced to death by a presidentially authorized military commission. In December, it issued its opinion, which held that civilians could not be tried by military commissions where the civil courts were open. The opinion was written by Lincoln appointee **David Davis** and joined by Justice Stephen J. Field, a former Democrat appointed by Lincoln, and three justices who had been appointed by Democratic presidents before the war. It drew into question Congress's authority to maintain military government in the South, just as most Republicans were concluding that it was necessary. The remaining justices joined Chase's concurring opinion that Milligan's

trial was illicit because it was authorized only by the president and not by Congress.

In similar 5-4 decisions, the justices continued to throw doubt on the constitutionality of **Congressional Reconstruction** policy early in 1867 by ruling unconstitutional the state and federal laws that required people to take “test oaths.” These **loyalty oaths** were oaths that one had never supported the rebellion, required in order to practice various influential professions. The U.S. Constitution explicitly banned such “bills of attainder” and “ex post facto laws,” the majority of the justices held in the Test Oath cases, *Cummings v. Missouri* and *Ex parte Garland*. The decisions undermined the ability of reconstructed southern governments to limit the influence of former Confederates and drew into question **disfranchisement** provisions of the **Military Reconstruction Acts** of 1867.

### ***Supporting Congressional Reconstruction***

Overall, the Court drew back from challenging Reconstruction directly. Encouraged by the majority’s decisions, state governments established under President Johnson’s Reconstruction program asked the Court to enjoin the president and Secretary of State **Edwin M. Stanton** from enforcing the Reconstruction Act. In *Mississippi v. Johnson* and *Georgia v. Stanton*, the justices unanimously held that Reconstruction policy was within the discretion of the political branches of government and that the cases therefore presented political questions beyond the competence of judges. Although the impact of these decisions may be exaggerated, they led to the claim that the Reconstruction Court refused to rule on so-called “political matters.”

However, Republican leaders in Congress were very concerned that the *Milligan* precedent might lead the Court to overturn key provisions of the Reconstruction act that supported military control of the South. Republican congressmen proposed requiring six justices to agree in order to rule a federal law unconstitutional. When a newspaper editor asked the Court to free him after being convicted by a military commission in **Mississippi**, Republicans moved to repeal the provision of the federal Habeas Corpus Act under which he sought the Court’s intervention. Over the objection of several of their colleagues, the majority of the justices refused to race Congress to consider the case. When Congress repealed the relevant provision, the Court dismissed the editor’s petition in *Ex parte McCardle* (1868), virtually inviting him to reapply under another law.

Despite suspicions that a majority of the justices doubted the constitutionality of the Republican Reconstruction program, the Court sustained it in the 1869 case *Texas v. White*, after most of the southern states had been restored to normal relations in the Union under its provisions. At the same time, Chief Justice Chase’s majority opinion reconfirmed the importance of state rights in the federal system, challenging the growing nation-centeredness of the dominant Republican Party. “The preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National government,” he wrote.

### *Chase and the Court Restrain Reconstruction*

Although he largely sustained congressional authority over Reconstruction, Chief Justice Chase made clear his distaste for military government in the South. He had instead urged Republicans to turn power over to southern Unionists and **African Americans**. Until 1890, Supreme Court justices were supposed to join district judges to hear cases in their circuits, made up of several states. The chief justice refused to hear circuit court cases in the former Confederate states in his circuit until they were freed from military authority. He believed it unseemly for the chief justice to preside over a court whose authority could be superseded by martial law. One of the consequences of Chase's scruples was that the trial of **Jefferson Davis**, which was to take place in **Virginia** in Chase's circuit court, was continuously postponed, and eventually the government's interest in the prosecution faded.

Required by the Constitution to preside over the trial of Andrew Johnson in the Senate after the House impeached him for high crimes and misdemeanors in 1868, Chase used his influence as chief justice to slow the process down and to bring a courtlike atmosphere to the Senate. He worked to influence senators' views of the law of the case through his rulings on the admissibility of evidence, which generally supported the president's position. All recognized that the chief justice played the crucial role in converting a political procedure into a judicial one, culminating in Johnson's acquittal. Despite his former reputation as a Radical Republican, Chase became a serious contender for the **Democratic Party's** presidential nomination.

In spite of the tension between the Supreme Court and Republicans, Congress gave the federal courts the key role in administering the transformation in American civil liberty and **civil rights** that they attempted in Reconstruction. While the army could provide temporary protection for citizens' rights in the South, Republicans knew that the region could not be subjected permanently to military control. Instead, they framed the language of the Fourteenth and Fifteenth Amendments to give courts major responsibility for the protection of rights. Rather than simply authorizing Congress to define and protect civil and political rights, the Reconstruction-era amendments specified that "no state shall" abridge the privileges of U.S. citizens, deny any person due process or the equal protection of the laws, or interfere with **suffrage** by imposing racial tests. If state laws or actions violated these provisions, it would be the responsibility of the courts, state and federal, to rule them unconstitutional, even in the absence of the congressional legislation that the amendments also authorized. Expecting state courts to be less enthusiastic than federal courts about enforcing these provisions, Congress broadened the right of people to transfer cases from state to federal courts, a process that culminated in the Judiciary Act of 1875, which allowed plaintiffs or defendants to remove cases from state to federal courts whenever they involved rights claimed under federal law.

However, the Supreme Court proved reluctant to expand federal power to protect civil and political rights as far as the Reconstruction amendments might have made possible. If interpreted broadly, the vague language of the Fourteenth Amendment would precipitate a revolution in the federal system,



enabling Congress and the courts to intervene whenever they thought ordinary state legislation violated basic rights. Republicans had wanted the government to have broad power to protect the rights of the freed slaves, but it is doubtful that they had intended that Congress and the courts second-guess ordinary state legislation.

The *Slaughterhouse Cases*, decided in 1873, brought the revolutionary potential of the Fourteenth Amendment clearly into focus. In it, New Orleans butchers argued that a health law requiring them to slaughter animals in a single, state-sanctioned slaughterhouse deprived them of the right of American citizens freely to follow their professions and deprived them of liberty and property without due process of law. By a 5–4 margin, the justices ruled that ordinary rights belonged to Americans as citizens of their states rather than as national citizens; the Fourteenth Amendment prohibited states only from infringing the latter. The same majority denied that a health regulation could amount to a deprivation of liberty or property without due process.

The Court also interpreted restrictively Congress’s power to enforce the Fourteenth Amendment. In the *Civil Rights Cases* of 1883, the justices established the “state action doctrine.” The amendment explicitly forbade states from infringing rights; it said nothing about private individuals. Thus, Congress had no authority to punish ordinary people from violating their neighbors’ rights. To rule otherwise would transfer ordinary law enforcement away from the states and to the federal government, the justices explained. The Fourteenth Amendment left that responsibility to the states, where it had always resided.

Narrowly interpreting the power that the Fourteenth Amendment delegated to Congress, the Court also narrowly defined the power it gave the judges. In *United States v. Cruikshank* (1876) and *Hurtado v. California* (1884), the Court made clear that it would not interpret the Fourteenth Amendment to require states to adhere to the provisions of the original Bill of Rights.

The Court took similar steps to reduce the revolutionary potential for federalism of the Fifteenth Amendment. It worked to make sure that the federal government would not take over a general responsibility for policing all elections. The Fifteenth Amendment authorized the federal government to protect African Americans’ right to vote, even from private action, the Court ruled, but any indictment must allege the racial motivation of the offense. It ruled unconstitutional federal laws that did not require this motivation as far as they applied to voting in state elections, although the justices conceded broad federal power to protect the integrity of federal elections. By the turn of the twentieth century, the Court decided that the Fifteenth Amendment, too, only applied to state action.

Finally, in 1896, the Court ruled in *Plessy v. Ferguson* that state-mandated separation of the races did not deprive African Americans of the equal protection of the laws. As long as both races were treated reasonably equally, mere separation could not be interpreted to violate the Fourteenth Amendment.

Advocates of equal civil and political rights for women were likewise disappointed by the Supreme Court’s interpretation of the Fourteenth Amendment. In *Bradwell v. Illinois* (1873), majority of the justices reiterated their holding in the *Slaughterhouse Cases* that the right to practice a profession

was not a right of U.S. citizenship. Thus, the amendment did not draw into question state laws or customs barring women from practicing law. Even the dissenters in *Slaughterhouse* agreed that such a discrimination was reasonable and did not infringe the rights of U.S. citizenship or deprive women of liberty or property without due process of law.

Since citizenship had long been identified with the fulfillment of such public responsibilities as voting and jury service, a number of woman suffragists argued that the Fourteenth Amendment's ban on state abridgement of the rights of U.S. citizens meant that they could not deny any American citizen's right to vote. However, in the 1875 case of *Minor v. Happersett*, the Supreme Court rejected that argument as well.

As the era of Reconstruction drew to a close, five of the Supreme Court justices played a crucial role in resolving the disputed presidential **election of 1876**. Congress established an **Electoral Commission** to help settle the fight over which electoral votes to count from **Florida, Louisiana, and South Carolina**. Recognizing the danger that the members of the commission would be influenced by their partisan biases, Congress named five justices to the commission to join the members selected from the Senate and House. They named four justices whose political sympathies were evenly divided and authorized them to name a fifth. All expected the fifth justice to be the independent David Davis, but he resigned his seat upon being elected to the Senate from Illinois, and the four justices had to turn to Joseph P. Bradley, a Republican whose support for Reconstruction measures on the bench had been less than enthusiastic. However, Bradley joined the other Republicans on the commission to find in favor of counting the Republican electoral votes over the objection of all the Democratic members, once again bringing the nonpartisanship of the nation's highest justices into question.

Although the Supreme Court had weakened its position by accommodating slavery so fully before the Civil War, and although it alienated many Republicans by apparently threatening their program after it, the Court exerted a profound influence upon the course of Reconstruction and the enforcement of the Reconstruction-era constitutional amendments. The Court proved more committed to preserving the basics of the federal system that existed before the war than to protecting the rights of American citizens. By undermining Republicans' ability to maintain their Reconstruction policy, the Supreme Court demonstrated its continued power in American government. *See also* Amnesty Proclamations; Black Suffrage; Cabinets, Executive; Civil Rights; Civil Rights Act of 1866; Civil Rights Act of 1875; Compromise of 1877; Democratic National Convention; Enforcement Act (1875); Enforcement Acts (1870–1871); Hayes, Rutherford Birchard; Jim Crow Laws; Poll Tax; Presidential Reconstruction; Redemption; Stanton, Elizabeth Cady; Tilden, Samuel J.; Women's Movement; Woodhull, Victoria C.

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*Michael Les Benedict*

### **Surratt, Mary (Elizabeth) Eugenia (1823–1865)**

Mary Surratt, hanged on July 7, 1865, for her role in the **assassination of Abraham Lincoln**, was born Mary Elizabeth Jenkins in Prince Georges County, Maryland. Educated in a school run by the Sisters of Charity in Alexandria, Virginia, she converted to Catholicism and adopted Eugenia as her confirmation name.

She married John H. Surratt in 1840 and they had three children—Isaac Douglas, Elizabeth Susanna (Anna), and John Harrison, Jr. In 1852, John Surratt, Sr., bought land in an area that came to be called Surrattsville, and built a house and a tavern. He died suddenly in 1862, leaving his widow with a large debt. As a result, Mary rented out the tavern to John M. Lloyd, while she and her daughter moved to other family property in Washington, D.C. She opened a boardinghouse there in 1864.

Both sons were in the Confederate service: Isaac as a soldier and John, Jr., as a courier. In early 1865, John became involved in John Wilkes Booth’s plot to kidnap President **Abraham Lincoln**. Some of his fellow conspirators lived at Mary’s boardinghouse, and all of them met there. Mary knew her son’s friends, and at least once performed an errand for them—taking guns and field glasses out to the tavern for someone to pick up. Yet, there is no firm evidence that she was party to the actual plots to kidnap and later assassinate the president, vice president, and secretary of state.

Following the assassination of Lincoln, authorities arrested Mary Surratt on April 17, 1865, and confined her in the Washington Arsenal Penitentiary. From May 9 through June 30, a military commission tried her and seven other alleged conspirators; Mary was convicted, largely on circumstantial evidence provided by a boarder, Louis J. Weichmann, and her tenant John Lloyd. There is some evidence that authorities focused on Mary in an attempt to ensnare her son John, Jr., who had fled the country.

When the military commission sentenced Mary Surratt to hang, an already heated atmosphere became even more controversial. Some, including the new president, **Andrew Johnson**, believed the fact that she was a woman made no difference in the disposition of her case. Still, five members of the military commission signed a paper requesting clemency for her. Later, Judge Advocate General Joseph Holt claimed to have shown this request to President Johnson, while Johnson denied ever seeing the petition. By 1873, this dispute exploded into a war of words between Holt and Johnson, which the national newspapers thoroughly enjoyed. During his presidency, his impeachment trial, and even in postpresidential political campaigns, Johnson was plagued by the charge that he was responsible for the “murder” of Mary Surratt.



Mary Surratt with the conspirators and assassins, hooded and ironed, proceeding to the penitentiary in Washington, 1865. (Courtesy of the Library of Congress.)

In February 1869, just before leaving office, President Johnson permitted Anna Surratt to claim her mother's body, buried in the Washington Arsenal, for interment in Mt. Olivet Cemetery in Washington, D.C. *See also* Seward, William H.; Stanton, Edwin M.

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*Glenna R. Schroeder-Lein*

### Swing Around the Circle (1866)

The "Swing Around the Circle" is the term used for President **Andrew Johnson's** campaign trip from Washington, D.C., to Chicago and back in August and September 1866, during which he tried to present his Reconstruction policy to the people.

The summer of 1866 brought increased tension, pitting Johnson and his supporters, including the new, Democratic-oriented National Union Party, against the Radical and **Moderate Republicans** who opposed Johnson's Reconstruction policy. Johnson, a veteran stump speaker, believed that he would get more support if he took his policy directly to the people. An invitation from Chicago to serve as keynote speaker for the unveiling of a monument to the late Illinois Democratic senator Stephen A. Douglas provided a perfect opportunity for the president to speak to the public.

At least three of Johnson's advisors warned him about giving extemporaneous speeches, including Senator **James R. Doolittle** of Wisconsin, who

cautioned Johnson that numerous newspaper reporters would be following him, seeking to misrepresent the president.

A large party accompanied the president when he left Washington, including his daughter, Martha, and her husband; Senator David Patterson of Tennessee; Johnson's secretary, William G. Moore; Secretary of the Navy **Gideon Welles**; Secretary of State **William H. Seward**; General **Ulysses S. Grant**; Admiral David Farragut; and other guests.

The tour included stops at Baltimore, Maryland; Philadelphia, Pennsylvania; New York City as well as West Point, Albany, Auburn, Niagara Falls, and Buffalo, New York; Cleveland and Toledo, Ohio; Detroit, Michigan; Chicago, Springfield, and Alton, Illinois; St. Louis, Missouri; Indianapolis, Indiana; Louisville, Kentucky; Cincinnati and Columbus, Ohio; and Pittsburgh and Harrisburg, Pennsylvania, along with numerous small towns, before returning to Washington, D.C.

The trip began on a positive note, with enthusiastic receptions in Baltimore, Philadelphia, and New York, but in Cleveland, the tone began to shift when a number of hecklers planted in the audiences caused Johnson to lose his composure and lapse into the stump-speaking style he had used on the campaign trail in his home state of Tennessee. Also, for those campaigns, Johnson developed one speech that he used across the state; this worked where newspapers were largely local, but resulted in ridicule when major daily papers took unfriendly notice of repetitious speeches.

Events went pretty well in Chicago, but at St. Louis on the way back, Johnson unwisely responded to a group of hecklers. He insulted several Republicans, and denied that he was a Judas, or traitor, to Radical plans. In Indianapolis and Pittsburgh, noisy crowds shouted and refused to allow Johnson to speak. He returned to Washington on September 15, having damaged, rather than helped, his cause by his undignified speech making. In the fall, the National Union Party lost badly in the **elections of 1866**. *See also* Democratic Party; National Union Movement; Presidential Reconstruction; Republicans, Radical.

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# T

## Taxpayers' Conventions

Taxpayers' conventions—protests bred from various associations and organizations—were an important political instrument in the post-Civil War years, used by opponents to challenge incumbent parties. Taxpayers' organizations took their power from widespread uneasiness with increased local and state taxation in the postwar years. Harking back to the debates of opponents of large government during the Revolutionary era, opponents of incumbent governments charged that reigning politicians were deliberately raising taxes to fund public works projects that would provide jobs for the poor voters that kept the politicians in power. Essentially, this system amounted to a redistribution of wealth, as poor nontaxpayers supported politicians who used tax monies to give their constituents jobs, members of taxpayers' organizations argued.

Taxpayers' organizations were most powerful in **South Carolina** and New York City in the early 1870s, although they turned up in other states, especially the South, throughout the late nineteenth century. In early 1871, the South Carolina Taxpayers' Convention challenged Republican government in that state, rallying around the cry that in South Carolina, "they who lay the taxes do not pay them." Eager to weaken the **Ulysses S. Grant** administration that supported the South Carolina Republicans, *New York Tribune* editor **Horace Greeley** made the South Carolina Taxpayers' Association front-page news. In 1873, coverage of a second South Carolina Taxpayers' Convention led disillusioned radical Republican **James S. Pike** to produce the devastatingly racist *The Prostrate State: South Carolina under Negro Government*, which popularized the idea of a state hijacked by political hacks. From 1871 until the election of **Wade Hampton** in 1876 silenced them, South Carolina taxpayers' protests weakened northern sympathy for measures that protected

black voting by hammering home the idea that black voters had constructed a government designed to confiscate white wealth.

Taxpayers' protests were not limited to southern Democrats opposed to black voting. Equally important were similar protests in New York City, where reformers led by Governor **Samuel J. Tilden** took on the machine government that funneled publicly funded jobs to immigrants in the city. In 1875, the tax-cutting governor called for the creation of a commission to protect taxpayers. The Tilden Commission, as it came to be known, called for taxpayers to take back control of government. The commission's report, issued in 1877, reinforced the idea that government must represent those with a financial stake in the community. The growing popularity of this idea made Tilden a national figure and won him the majority of the popular vote for president in the **election of 1876**. In the years that followed, the argument that only individuals who paid taxes should have a say in how public monies were spent gained ground rapidly. Ultimately, this argument was a central tenet both of **suffrage** restriction to exclude poor black and white men and of suffrage expansion to include propertied middle-class women at the turn of the century. *See also* Black Suffrage; Bourbons; Carpetbaggers; Chamberlain, Daniel Henry; Civil Rights; Congressional Reconstruction; Constitutional Conventions; Disfranchisement; Moses, Franklin J., Jr.; New South; Redemption; Scalawags; Scandals; Scott, Robert K.

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*Heather Cox Richardson*

## Tennessee

Reconstruction in Tennessee was relatively short (1862–1870) but always turbulent. The period can best be described as a vicious political power struggle between the state's nascent Radical Republican Party and its ex-Confederate majority. While in power, the Radicals proved among the South's most zealous advocates of Reconstruction, often governing Tennessee through authoritarian force. In the process, Tennessee became the first former Confederate state that Congress readmitted to the Union, largely because it was the only southern state to voluntarily ratify the **Fourteenth Amendment**. It was also the first state in the nation to bestow universal **suffrage** on its adult black male population. Because of the Radicals' manifest commitment to Reconstruction, Tennessee was the only Confederate state not subjected to the **Military Reconstruction Acts**, which placed the South under military rule. These noteworthy accomplishments notwithstanding, Tennessee was a restless and often violent place during Reconstruction. Persistent ex-Confederate defiance frequently pushed the state to the brink of a second civil war.

### *Wartime Reconstruction*

As northern armies overran Tennessee, the federal government initiated Reconstruction in the state. In March 1862, **Andrew Johnson** assumed his duties as **military governor**. A native Tennessean who strongly opposed secession, Johnson was determined to restore civil government under reliable Unionist leadership. To this end, he imposed stringent **loyalty oaths** on the occupied populace and proscribed secessionist politicians. Despite these measures, Johnson experienced repeated frustration. Secessionists often interfered with elections, and the tidal nature of military operations left much of the state in chaos.

Further complicating Johnson's Reconstruction plan was a growing rift within the ranks of Tennessee's Unionists. Two competing factions emerged: Radical Unionists, who embraced the unconditional war aims of the Republican Party and displayed a vindictive attitude toward former rebels, and Conservative Unionists, who rejected the policy of **emancipation** and promoted lenient treatment of ex-Confederates. In January 1865, the Radicals, most of whom came from the Unionist stronghold of East Tennessee, asserted themselves by taking control of a Unionist convention in Nashville, where they issued resolutions repudiating Tennessee's allegiance to the Confederacy, drafted a new state amendment abolishing slavery, and nominated Radical candidates for a new state government. In a referendum held in February, Tennessee voters approved the Radical agenda, 25,293 to 48. Though a relatively small turnout, the tally more than fulfilled the stipulations of President **Abraham Lincoln's Amnesty Proclamation**, also called the Ten Percent Plan. The following month, most of the Radical candidates won their elections by similar returns. Prominent among the Radical leadership was the new governor, **William G. Brownlow**, an acerbic newspaper editor who soon implemented a stern Reconstruction program.

### *Political Reconstruction*

Like Andrew Johnson before him, Governor Brownlow's principal concern was establishing an electorate that was thoroughly loyal to the Union. Radicals in the legislature agreed, and on June 5, 1865, they passed the first of a series of controversial franchise laws. The first act **disfranchised**—temporarily forbade from voting—some 80,000 ex-Confederates. As a political minority of perhaps 40,000 voters, Radicals understandably believed this law was imperative lest the “traitors” who ruptured the Union in 1861 regained power through the election process. The ex-Confederates, along with many Conservative Unionists, denounced the franchise restrictions and refused to submit. Their unlawful participation in both the congressional elections (August 1865) and several county elections held in March 1866 compelled Brownlow to throw out thousands of suspicious returns in Middle and West Tennessee, and it prompted Radicals to enact a second, more repressive franchise law (May 3, 1866). The new law permanently barred all former Confederates from voting and delegated voter registration to special commissioners under direct gubernatorial control. Brownlow encouraged these commissioners not to register any Conservative who associated too closely with the ex-Confederates.



With the ballot box seemingly under control, Governor Brownlow called for a special legislative session to consider ratification of the Fourteenth Amendment. Having cast aside President Andrew Johnson's plan for Reconstruction, congressional Republicans made **readmission** to the Union contingent on ratifying this amendment. Tennessee Radicals eagerly complied but encountered strong opposition from legislative Conservatives, twenty-one of whom withdrew from the general assembly in an attempt to thwart ratification by preventing a quorum. Brownlow responded by arresting some of the "refractory" Conservatives and forcibly returning them to the legislative chambers. A Radical majority then ratified the amendment and Tennessee rejoined the Union on July 24, 1866. When Thomas N. Frazier, a Conservative judge, ruled the ratification proceedings unconstitutional, Radicals speedily impeached and removed him from office. Their questionable tactics aside, the Radicals successfully guided Tennessee back into the Union, an accomplishment that enabled the state to avoid the indignity of the later Military Reconstruction Acts.

Political Reconstruction in Tennessee reached its climax with yet another franchise law, one that bestowed the suffrage on some 40,000 freedmen. Concerned both by numerical weaknesses in Middle and West Tennessee and by issues of political legitimacy, many Radicals sought to bolster the strength and image of their fledgling party by enrolling **African Americans** into its ranks. Thus, on February 25, 1867, the state legislature granted all adult black males the right to vote. Through political organizations known as **Union Leagues**, Radical leaders effectively mobilized and indoctrinated the new black electorate into the Radical Republican Party. By the summer of 1867, one or more chapters of the Union League existed in virtually every county of the state.

Although Tennessee was ostensibly in the vanguard of racial equality, **black suffrage** was in some respects a political expedient. Blacks in Tennessee never held any important political offices during Reconstruction and white Radicals rarely encouraged them to run. Nevertheless, blacks eagerly embraced their new political rights. Even before gaining access to the polls, blacks peacefully agitated for civil and political reforms. In August 1865 and 1866, blacks held conventions in Nashville for the "Colored Citizens of Tennessee." William B. Scott, a free black before the Civil War, participated in both and soon earned prominence within the black community as the owner and managing editor of the state's only black newspaper, the *Colored Tennessean*. One of the state's more successful blacks, Scott moved his press in 1867 to the East Tennessee town of Maryville, where he renamed his paper the *Maryville Republican*. He then joined the Maryville Union League, serving as that organization's vice president, and won election as an alderman, briefly serving as the town's interim mayor in 1868.

### ***Enforcing Reconstruction***

Passing laws was one thing; enforcing them was quite another. Opponents of Reconstruction branded the Brownlow administration a tyranny and lambasted black citizenship as a perversion of race order. Ex-Confederates in

particular vowed to resist, and **violence** soon became the leitmotif of the period. The most infamous example of this phenomenon occurred with the **Memphis Riot** in May 1866, a terrible event where a white mob murdered forty-six blacks. More ominous than any race riot, however, was the growing paramilitary challenge to Reconstruction. No sooner had the Civil War ended than Rebels in many parts of Middle and West Tennessee reorganized themselves into vigilante bands. In Sumner County, for instance, the wartime guerrilla leader “King” Ellis Harper commanded a force of some 150 horsemen and ruled the county like a warlord. Harper and numerous other Rebel outfits fearlessly attacked the Reconstruction process by persecuting blacks, disrupting elections, and assassinating local Radical leaders.

The magnitude of the paramilitary threat justified a forceful response, but the Brownlow administration adopted an erratic approach to law enforcement. For reasons of cost and convenience, Tennessee Radicals preferred calling on the federal garrison for assistance, but the army was generally loath to involve itself in state matters. General George H. Thomas, the army’s commander in Tennessee, was sympathetic to the Radical cause, and on several occasions did dispatch **U.S. Army** units to various trouble spots, but he rightly believed that law enforcement was the governor’s responsibility, especially after Tennessee’s readmission to the Union. Accordingly, Governor Brownlow searched for an effective and inexpensive way to combat Rebel lawlessness. As early as June 1865, he authorized local sheriffs to raise “County Guards” of twenty-five men to root out vigilantes, but dependable lawmen, particularly in Middle and West Tennessee, were hard to come by and most proved unable or unwilling to crack down on the more numerous ex-Confederates. The Metropolitan Police Act (May 14, 1866) seemed more promising. This law created urban police forces in the state’s three largest cities—Memphis, Nashville, and Chattanooga—all under the governor’s control. Though innovative for its time, the metropolitan police force was actually of little value against a largely rural insurgency. By 1867, with black suffrage imminent, Radicals decided that Reconstruction required the protection of a state **militia**. On February 20, 1867, legislators furnished Governor Brownlow a powerful weapon: the Tennessee State Guard.

Mobilized primarily to protect the gubernatorial election in 1867, in which blacks voted for the first time, the Tennessee State Guard proved an effective law enforcer. Consisting of nearly 1,900 men, including about 500 blacks, the Guard was partisan (virtually all were Radicals) but well trained and disciplined (many were veterans of the Union army). Under the command of militia general Joseph A. Cooper, the Guard occupied thirty-three counties in the weeks prior to the August election. In the process, it provided security for Radical party rallies and ensured the safe registration of thousands of black voters. Conservatives and ex-Confederates protested the governor’s use of a standing army in peacetime, but the election passed off quietly and Radicals won in a landslide. Brownlow defeated his Conservative rival, Emerson Etheridge of Weakley County, 74,437 to 22,486, with black votes accounting for approximately half of the incumbent’s total. Later, during a municipal election in Nashville (September 28, 1867), the State Guard once again defended the franchise laws by thwarting a Conservative attempt to retain the mayoral seat

by extralegal means. The militia, in conjunction with **black suffrage**, helped make 1867 a good year for Radical Reconstruction in Tennessee.

### *Economic and Social Reconstruction*

In addition to political power, Radicals pursued economic prosperity as well. They enthusiastically heeded the call for a “**New South**,” one where southerners emulated the wealthy North by diversifying their largely agrarian economies through industrial development. To this end, on December 7, 1867, Tennessee Radicals enacted the so-called “Omnibus Bill,” which allocated large sums for various **railroad** projects. Similarly, Governor Brownlow urged his followers to develop the coal and iron resources in the mountains of East Tennessee. Hoping to attract cheap, white labor to the state, Brownlow also created a bureau of immigration whose task was to advertise Tennessee’s supposedly plentiful employment opportunities.

Tennessee never achieved its New South goals, at least not during Reconstruction. The railroad venture suffered from corruption and mismanagement, and only a few immigrants came to the state. Manufacturing did enjoy some success, however, for by 1870, Tennessee had surpassed its prewar productivity, but instead of factories, the state’s economy reflected an enduring cottage industry. Farming remained the principal livelihood in Tennessee, and for many poor whites and a majority of freedmen, the most significant agricultural development of the Reconstruction period was **sharecropping**. The gang labor of plantation slavery gave way to a system whereby white landlords somewhat grudgingly agreed to rent small plots of land to black farm laborers in exchange for a portion of the crop. Sharecropping denied blacks their dream of owning land (and it was an inefficient method of farming), but it did afford the freedmen some privacy and some control over the pace of their work.

Though Reconstruction failed to satisfy fully the political and economic aspirations of many blacks, few freedmen could complain about the period’s pronounced social freedom. As former slaves, black Tennesseans enjoyed moving about freely. Many searched for family members taken away by the prewar slave trade, while others migrated to the towns and cities looking for jobs. In exercising their new liberty, blacks voluntarily segregated themselves from the white world that had been so cruel to them. All-black **churches**, mostly Methodist and Baptist in denomination, emerged throughout the state; all-black fraternal clubs, such as the Sons of Ham in Nashville, formed in the cities; and all-black communities arose, be it the rural “Mount Africa” in Maury County or the urban neighborhood of “Hell’s Half Acre” in Nashville.

If owning land was beyond the reach of most blacks, acquiring an **education** was not. Education was arguably Reconstruction’s most important gift to the freedmen, and blacks of all ages avidly attended school. While blacks themselves often took the lead in establishing rudimentary public school facilities, they were greatly aided by northern missionaries, such as the Reverend Ewing O. Tade, a **carpetbagger** from Illinois who founded a school for black children in Chattanooga. The federal **Bureau of Refugees, Freedmen, and Abandoned Lands** also sponsored the construction of schools. In March 1867, the Radical state government assumed control over all public schools in Tennessee

and appointed as superintendent **John Eaton, Jr.**, a former bureau agent and a dedicated reformer. By 1870, under Eaton's direction, Tennessee's public education system blossomed to 500 schools with more than 25,000 students.

Armed with knowledge, Tennessee blacks successfully lobbied for greater civic equality, typically through such gatherings as the State Conventions of Colored Citizens. In January 1866, they earned the right to testify in court against whites. Over the next two years, they gained the right to sit on juries and hold public office, and with the Common Carriers Act (March 12, 1868), blacks also enjoyed unqualified access to public transportation. In addition to receiving the franchise in early 1867, blacks gradually acquired most of their basic **civil rights**.

### *Counter-Reconstruction*

For most Tennessee whites, the experiment in racial equality, as well as the alleged political despotism of the Brownlow administration, was more than they could tolerate. In 1868, paramilitary bands resumed their activities with violent intensity. The most notorious organization was the hooded **Ku Klux Klan**. Founded in Pulaski, Tennessee, in 1866, the Klan laid low during the militia deployment of 1867. In early 1868, however, after Brownlow imprudently disbanded the State Guard, the Klan rapidly expanded its influence until dens existed in dozens of counties throughout Middle and West Tennessee. Under the titular leadership of the fearsome Confederate cavalry commander **Nathan B. Forrest**, the Klan instigated a deadly campaign of terror. In attacking Union League meetings and Brownlow's voting commissioners, the Klan badly weakened Radical influence at the grassroots level.

The Radicals' response to the Klan menace was firm but belated. In September 1868, an emergency session of the legislature outlawed Ku Kluxism. It also authorized a reactivation of the State Guard, but it urged the governor to call first on the federal government for help. Although nearly 2,000 U.S. troops guarded the polls during the national election in November, the army performed its task ineffectually. Klan depredations reduced the Radical turnout from the previous year by more than 17,000 voters, mostly black. In the months that followed, Brownlow finally mobilized the militia and on February 20, 1869, he declared martial law in nine selected counties. Unlike its first deployment, the State Guard in 1869 was all white in order to avoid a race war. In the field from February to June, the Guard (1,600 strong) neutralized the Klan, which basically went underground, but irreparable damage had already been done.

Toward the end of February 1869, Governor Brownlow departed Tennessee to take a seat in the U.S. Senate. His departure deprived the Radical party of its most dynamic leader, and competing Radical factions soon battled for control of the Reconstruction process. DeWitt C. Senter, the new governor and a moderate Radical, substantially modified the harsh policies of his predecessor. Hoping to garner Conservative support for the upcoming gubernatorial election in August, Senter disbanded the State Guard and announced his intention to seek the repeal of all franchise restrictions. Radical hardliners and most freedmen found Senter's abrupt actions disturbing. They rallied around William B. Stokes, a Radical from Middle Tennessee who warned that

ex-Confederates could never be trusted. Delighted by the Radical rift, Conservatives did indeed back the Senter candidacy, while running a full slate of their own under the banner of the Democratic Party. As the overseer of registration, Senter ensured his victory by replacing most of Brownlow's commissioners with handpicked men who then added known Rebels to the voting rosters. In the ensuing election, Senter crushed Stokes, 120,333 to 55,036, and Democrats won a majority in the legislature.

The Democrats moved quickly to dismantle the work of Reconstruction. They immediately repealed the militia act and the anti-Klan law. More important, in December 1869, they issued a call for a **constitutional convention**. The following March, by a vote of 98,128 to 33,872, Tennesseans approved a new constitution, which limited gubernatorial power and undermined black suffrage. Although blacks retained the right to vote, a new **poll tax** effectively disfranchised them. Tennessee's Radical delegation in Congress urged President **Ulysses S. Grant** to remand their state to military Reconstruction, but these desperate pleas came to naught. When John C. Brown, a former Confederate general and Klan leader, became governor in 1871, Reconstruction in Tennessee was clearly over. *See also* Congressional Reconstruction; Democratic Party; Redemption; Republicans, Radical.

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*Ben H. Severance*

### **Tenure of Office Act (1867)**

On February 19, 1867, Congress passed the Tenure of Office Act. It forbade the removal, without further senatorial approval, of any federal official who had been appointed with the advice and consent of the Senate. This included presidential **cabinet** members who were to retain their offices "for and during the term of the President by whom they may have been appointed, and for one month thereafter, subject to the advice and consent of the Senate." The act also stipulated that anyone accepting an appointment in violation of the act or anyone attempting to appoint or remove an official without the consent of the Senate would be guilty of a "high misdemeanor." If Congress was not in session, the president could remove and appoint officials until the Senate reconvened and voted on the matter.

The impetus for the act began in 1866 with the struggle between President **Andrew Johnson** and Republicans in Congress for control of the Reconstruction process. Following the mid-term elections that year, the combination of Radical and **Moderate Republicans** held a large majority in Congress and could easily override a presidential veto. However, as the chief executive and commander in chief, Johnson still had means to circumvent the implementation

of Reconstruction legislation. In order to prevent his interference, the Republicans passed a series of acts, including the Tenure of Office Act, designed to limit Johnson's authority.

Proposed by George Williams of Oregon, the law was designed to protect **patronage** appointees, since such favors were crucial to the continued success of any political party. In 1866, Johnson had removed hundreds of Republicans from appointed offices, to make room for his supporters—and curry their favor and votes. Republicans sought to do the same, of course. Congressional Republicans also intended for the measure to prevent the president from removing Secretary of War **Edwin Stanton**, the only cabinet member who supported the Republican Reconstruction program. (Johnson had retained **Lincoln's** entire cabinet intact.) Johnson kept hoping Stanton would resign, but the secretary of war knew his position was vital to protecting the Republican's Reconstruction agenda. The bill had trouble passing because of the cabinet proposal, since many congressmen saw this as violating presidential prerogatives. Ultimately, **John Sherman** devised the compromise that secured passage, stating that the act covered cabinet members "for and during the term of the President by whom they may have been appointed, and for one month thereafter." Still, since the entire cabinet had been appointed under Lincoln, ambiguity remained.

Johnson saw no such ambiguity, and considered the act to be unconstitutional. His cabinet, including Stanton, concurred. In fact, Stanton helped Secretary of State **William Seward** draft the president's veto message. However, Congress passed the act over Johnson's veto on March 2, 1867. This act was part of a flurry of **Congressional Reconstruction** activity, which included the Army Appropriations Act and most important, the **Military Reconstruction Acts**.

With this legislation, Republicans set out to remake the South, and President Johnson did his best to interfere. Central to the Republican program in the South was the army, which was responsible for implementing and supervising the congressional policy. As a result, relations between Stanton and Johnson became even worse. Waiting until Congress adjourned, Johnson suspended Stanton on August 12, 1867, and appointed **Ulysses S. Grant** as the *interim* secretary of war. If the Senate refused to concur with Stanton's suspension, Johnson asked that Grant return the office to the executive, and Johnson hoped to challenge the constitutionality of the act in the courts. On January 13, 1868, the Senate rejected Stanton's suspension, but Grant returned the office to Stanton. Confused and stymied, Johnson made a fateful decision: On February 21, 1868, with the Senate in session, Johnson removed Stanton and nominated Adjutant General **Lorenzo Thomas** as the new *interim* secretary.

Earlier, **Radical Republicans** in Congress had pushed for **impeachment** proceedings, but the vote had never carried. Now, Johnson had crossed the line, and (many believed) openly defied Congress. A call for a vote on impeachment went up again, charging the president with violating the Tenure of Office Act. The House voted along straight party lines to impeach Johnson, and only after doing so, drew back and actually penned a formal list of charges, the articles of impeachment. Since most of the articles were based in the alleged violation of the Tenure Act—which most agreed was confusing and ambiguous—the impeachment was based on flimsy legal ground.

In the Senate, at least some of the politics that so tainted the House fell away, and the proceedings took on a more formal, legal sense. Senate Republicans failed by one vote to obtain the required two-thirds majority to convict and remove the president. Johnson's salvation came from senatorial Democrats and several Republicans—the so-called **recusants**—who doubted both Johnson's guilt and the constitutionality of the law. As Johnson's legal team pointed out, even if the law were valid, Abraham Lincoln, not Johnson, had appointed Stanton. Moreover, Johnson's supporters doubted the wisdom of curtailing the presidential power of appointment, and even his opponents, pushed to the brink, had second thoughts about Congress removing an executive.

In 1869, almost immediately after Republican president Ulysses S. Grant assumed office, Congress modified the Tenure of Office Act to allow the president to remove officials as long as new nominations were submitted within thirty days of the beginning of a new congressional session. Historical myths notwithstanding, the Court has never ruled the act unconstitutional. It was repealed in 1887, when President Grover Cleveland challenged its constitutionality. Cleveland insisted that the president had sole power to suspend or remove appointees. The U.S. **Supreme Court** concurred with Cleveland's position in *Myers v. United States* (1926), declaring presidential removal powers to be unlimited, a finding restricted by the later case *Rathbun v. United States*, in which the Court stated those unlimited powers only related to cabinet appointments. *See also* Chase, Salmon Portland; Command of the Army Act; Impeachment Managers; Presidential Reconstruction; Ross, Edmund G.; Stevens, Thaddeus; Sumner, Charles; U.S. Constitution.

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*John D. Fowler*

## Texas

Confederate forces in Texas surrendered on June 12, 1865. Large numbers of federal troops began arriving in the state almost immediately as a show of force in an area left largely untouched by the war, and also as a demonstration of force against the French incursion into Mexico. The army found little interest in continued fighting among Texans, and the majority of soldiers moved to the Rio Grande border. The smaller number that occupied the state's coastal and interior points found the task of Reconstruction left to them for nearly two months because of the delayed arrival of President **Andrew Johnson's provisional governor**, Andrew J. Hamilton, and similar problems in setting up the administration of the **Bureau of Refugees, Freedmen, and Abandoned Lands** (the Freedmen's Bureau). General Gordon Granger formally announced the **Emancipation Proclamation** at Galveston on June 19, and commanders in the field began supervising freedmen's affairs, including overseeing the negotiation of labor **contracts**. The army proceeded with no unified policy, however, and left myriad forms of contracts and

ambiguous expectations for others to deal with in the future. Nearly two months after the war's end, many white Texans still believed that some form of compensated emancipation was still possible, and that the Confederate state government might be allowed to remain in power.

### ***Presidential Reconstruction***

The delays in setting up a provisional government and establishing the Freedmen's Bureau helped produce the unique course of events locally. Governor Hamilton finally arrived in Texas on July 22, but did not reach the state capital until the end of the month. By the time Hamilton had set up a plan to administer the required **loyalty oaths** and to implement necessary governmental services, in other states the process of Reconstruction had moved far along. **South Carolina's constitutional convention** had already met and the results of the subsequent election were known before Texas efforts had barely begun. Hamilton, a Unionist who had fled the state to avoid arrest during the war, had little trust in the state's old leadership, and needed little encouragement to delay registration and the required constitutional convention. The course of events in other states and the growing tension between President Johnson and the Republicans in Congress fostered even greater care on his part. In the end, Hamilton concluded that Johnson's policy did not produce governments that reflected the truly loyal people of the state, and in fact actually encouraged resistance to efforts at creating such governments.

The Freedmen's Bureau did not attempt a more systematic effort at organizing freedmen's affairs until the arrival of Major General Edgar M. Gregory in September 1865. Constant turnover among local commissioners further hindered the bureau's oversight, as army officers filled many of these positions and their rapid mustering out produced little continuity in local supervision. While some local commissioners proved diligent in applying rules for contracts and trying to protect the freedmen, many, knowing they would be going home soon, tried to avoid conflict. Such behavior left **African Americans** unprotected from the fraud and **violence** that intensified during the harvest season in 1865, a pattern of behavior on the part of whites that continued unabated through Reconstruction and beyond. Delay, problems with personnel, inadequate funding, and white opposition also hindered the creation of freedmen's schools, a significant activity of the bureau beyond its supervision of contracts.

By the fall of 1865, Texas not only saw growing violence between the freedmen and whites, it also witnessed conflict between former Confederates and Unionists as each settled old scores. Hamilton believed that Unionists had little chance in an election and he successfully put off the state's constitutional convention until February 1866. Even then, he did not believe a loyal government could be created. The convention supported his conclusions. The old secessionists of the **Democratic Party** did not have a majority, but they effected a coalition with prewar Unionists who had supported the Confederacy during the war to gain control. This Conservative party elected **James W. Throckmorton** president of the convention, a Unionist who had served as a colonel in the Confederate army. The majority accepted the **abolition of slavery**. They renounced secession and declared the act of secession null and



void, but then declared valid acts of the state government during the war not in conflict with the **U.S. Constitution**. As in other southern states, however, the new constitution granted only limited rights to blacks and particularly excluded them from the **suffrage** and officeholding, serving on juries, testifying in most court cases, marrying whites, and receiving a part of the state school fund. Constitutional provisions regarding blacks were particularly threatening to their future, for it offered them virtually no protection before the law.

The Conservative coalition asserted itself again in the general **election of 1866**, running Throckmorton for governor at the head of a Conservative Union Party. He faced prewar governor Elisha M. Pease, who ran on a Union Party ticket. Throckmorton's supporters painted Pease as a radical on race issues and an ally of the **Radical Republicans**, even though at this time Pease was not. The conservative character of the election could be seen readily in the results. Throckmorton received 49,277 votes as opposed to Pease's 12,168. Conservatives also sent a majority to the new Eleventh Legislature.

The Eleventh Legislature pursued an agenda that sparked inevitable concern in Washington and suggested that Texas leaders had learned nothing from the Civil War. It refused to vote on the proposed **Thirteenth Amendment** and rejected the Fourteenth. It elected Oran M. Roberts, president of the state's secession convention, to Washington as one of the state's two senators. Further, legislators reduced the potential political power of Unionists by gerrymandering state judicial and congressional districts. They also enacted **Black Codes** similar to those produced in other southern states designed to impose controls on the lives and labor of the freedmen. Throckmorton's personal actions added to concerns among local Unionists. The governor, assuming that the president's proclamation of the end of the rebellion within the state restored authority to civil government, engaged in a series of confrontations with military authorities and the Freedmen's Bureau over whether or not civil authority was once again supreme. Throckmorton saw his efforts as an assertion of constitutional rights, but those who he fought saw it as confrontational and reflecting his basic disloyalty.

### ***Congressional Reconstruction***

Many Texas Unionists, including Governor Hamilton and Elisha Pease, went North after the general election to encourage Congress to intervene in southern affairs. They accomplished their goal when Congress passed the **Military Reconstruction Act** on March 2, 1867. Under the congressional plan, Texas became a part of the Fifth Military District under General **Philip H. Sheridan**, and General Charles Griffin assumed command of local affairs. Griffin perceived Throckmorton's repeated challenges to federal authority as an impediment to Reconstruction and immediately sought his removal. Sheridan complied with these requests on July 30, 1867, replacing Throckmorton with Elisha Pease. Subsequently, Griffin began to remove county and city officials who could not take the Test Oath. When Griffin died from yellow fever that September, his successor, General **Joseph J. Reynolds**, continued with the removals. Neither Griffin nor Reynolds, however, achieved the wholesale purge of men they had thought necessary.

**Congressional Reconstruction** required that states hold new constitutional conventions chosen by an electorate that allowed **black suffrage** (for males). Political groups in Texas reorganized in the spring of 1867 to take into account this expansion of the electorate. Most Unionists moved into the state's Republican Party. Prominent Unionists also played a role in the introduction of the **Union League** into the state at that time as a means of organizing black voters to support Republican candidates. Conservatives made some efforts to attract African American support, but discovered they could marshal little enthusiasm within black communities. In the ensuing election for delegates to a convention, many supporters of the Conservative Party did not bother to register or to vote. The results showed the impact of black enfranchisement and also of the refusal of many Conservatives to participate. The vote for a convention, the Republican position, succeeded by 44,689 to 11,440, and the majority of delegates came from the Republican Party. The long-term problems of the Republicans could be seen, however, since a Conservative turnout like the one that swept Throckmorton into office in 1866 easily could have prevented the convention and chosen a majority of delegates. Unlike states like South Carolina, for instance, Texas lacked the large black population that could form a substantial core of the state's Republican Party. Ultimately, Republican success depended on keeping white Conservatives away from the polls or converting them to their cause.

The constitutional convention of 1868-1869 met at Austin on June 1, 1868, and Republicans dominated the floor. Delegates accomplished little in the meeting's first session, as Republican leaders sought to delay the writing of the constitution and the election that would follow until after the 1868 presidential election coming that autumn. Unfortunately for the Republicans, the convention also exposed serious internal differences within the party. Republican delegates quickly divided into groups contemporaries referred to as "Radicals" and "Conservatives." The president of the convention, **Edmund J. Davis**, became the principal leader of the Radicals, while former governor Hamilton headed the Conservatives. Radical delegates came primarily from southern Texas and supported the extension of greater rights to blacks, continued **disfranchisement** of former Confederate leaders, a cautious program of economic development, division of the state, and the nullification of all laws passed after secession, including those of the Eleventh Legislature (the *ab initio* conflict). Moderates generally supported a more modest expansion of **civil rights** for blacks, greater state support for **railroad** construction, and, later in the convention, the removal of restrictions on the political activity of former Confederates. When the convention adjourned in early August to reassemble in December, Republicans carried their fight into their state convention, where the two groups formally divided. Radicals also took control of the Union League at this point.

The constitutional convention turned to writing a constitution with new seriousness after the election of **Ulysses S. Grant** as president. Radical and Conservative Republicans actually cooperated to produce a document that created a government that placed greater powers into the hands of the governor. The Republican factions could not agree on the question of lifting restrictions on former Confederates, but Conservative Republicans and

Democratic Conservatives managed to work together to remove all constraints upon political participation other than those imposed by the federal Constitution. The approval of this measure convinced Radicals that loyal government could never be maintained in the state and they tried to break up the convention. At this point, General **Edward. R. S. Canby** stepped in, commander of the Fifth Military District since December 1868. He had his clerks take the notes of the convention, so they could submit the constitution to an open referendum. The Radicals tried to gain support in Washington to stop an election, and to have Congress divide the state. The Grant administration made it clear, however, that it would not intervene and wanted the process to proceed.

Once the will of the president was made clear, the Radicals abandoned their opposition to the proposed constitution, accepting the more liberal policy on **suffrage**, and prepared for a general election. At the same time, the U.S. **Supreme Court** eliminated another issue, ab initio, for the Radicals with decisions that recognized the legality of laws passed by Confederate state legislatures and those of the Johnson governments. Questions over the rights of freedmen and economic issues continued to divide members, however, and the party entered the election divided. The Radicals nominated Edmund J. Davis. The Conservative Republicans put forward Andrew J. Hamilton. The Radicals managed to draw some Conservative Republicans from eastern Texas to their support and also obtained the backing of the Grant administration and the national Republican Executive Committee during the campaign, so they went into the election with some advantage. Davis still won with only a narrow majority, 39,838 votes to Hamilton's 39,055.

The Twelfth Legislature met in a special session on February 8, 1870, and adopted the **Fourteenth** and **Fifteenth Amendments**. They also elected U.S. senators Morgan C. Hamilton and James W. Flanagan. These steps finished the Reconstruction process established by Congress and resulted in Congress's acceptance of the delegation from the state. On March 30, 1870, President Grant signed the legislation acknowledging Texas's formal **readmission** to the Union.

### *The Davis Administration*

The Twelfth Legislature assembled on April 26, 1878. Governor Edmund J. Davis took the oath of office two days later. The Legislature had a **Radical Republican** majority, although that party's control ebbed and waned on some issues, and it proceeded rapidly to enact an agenda proposed by Davis. Many of its actions involved the restoration of law and order. The legislature created a state police force, gave the governor increased power over the state **militia**, and expanded the state's judiciary. In addition, legislators created the state's first public school system, a highly centralized graded school system with a standard curriculum directed by a state board of **education** that included the governor and his superintendent of public instruction.

Agreeing on most other issues, the Radical Republicans drifted apart on railroad legislation. Davis supported a conservative program of support for railroads, but railroad lobbyists and local interests wanted more. Davis found

himself fighting a combination of Democratic Conservatives, Conservative Republicans, and members of his own wing who generously offered state bonds to help support railroad construction. He failed in his efforts to block such legislation when this combination ultimately proved strong enough to override the governor's vetoes.

Conservative Republicans and Conservatives arrayed themselves against the administration from the beginning. In many of the legislature's actions, they saw measures that would strengthen the governor and his party, and assure continued power. In response, they chose to attack the Radicals on the grounds that the police measures and even the public schools represented a suppression of freedom and reflected Governor Davis's tyrannical designs on the state. They pointed to Davis's declarations of martial law in several election conflicts and his use of the state police and militia as proof. Taking their cue from conservative campaigns elsewhere in the South, they also charged the Davis government with corruption and fraud, even though the Texas Radicals never had the problems of other southern Republican governments and opponents only proved one such case. Their most effective tactic, however, were their charges that the costs of state government had been raised to unacceptably high rates. Charges of tyranny and **scandal** reinforced their claims that the revenues were not needed and represented a plundering of the state's taxpayers. Conservatives introduced this theme in the autumn of 1870 and continued it into the fall of 1871, when they held a **Taxpayers' Convention** to protest the taxes. Encouraging people to withhold their taxes and to file lawsuits to prevent the collection of school taxes, the Democratic Conservatives precipitated a financial crisis that forced the governor to seek operating funds through the issue of bonds, an action that only worsened the state's fiscal situation.

The election of 1869 had shown the long-term problem for the Radicals in maintaining hold of state government. The removal of all disabilities from former Confederates and their return to the polls made Radical efforts difficult. Attacks upon the Davis administration for its taxes, its authoritarianism, and its efforts in support of African Americans turned many in the white majority away from the administration. A flood of white immigrants from other former Confederate states in the wake of the war made Radical Republican government even more unlikely. As they saw their natural supporters growing, the Conservatives, originally willing to cooperate with the Conservative Republicans, began to reassert themselves as the Democratic Party. By 1870, many Conservatives demanded that the Democratic Party run its own candidates and end cooperation with the Conservative Republicans. In 1871, Democrats ran for all congressional seats and carried them. In the presidential contest of the following year, Democrats carried the state for **Horace Greeley** and his anti-Grant **Liberal Republicans**, and elected two new congressmen at large. The general election also gave them control of the state House of Representatives for the next session.

Radical government existed ultimately for only two years, giving the administration little chance to prove the effectiveness of its policies. When the Thirteenth Legislature met in 1873, it moved quickly to dismantle the school system, putting schools into the hands of local rather than state officials. It

repealed the state police law and limited the power of the governor to use the state militia. It also passed a new election law that called for another election for members of the legislature later that year, required elections to be at the precinct level rather than at county seats, and, in what would later be the source of controversy, changed elections from three days to one. Democratic control did not change the direction of railroad legislation, however, as legislators continued to override Davis's objections to encourage railroad construction with liberal gifts of state bonds. Republicans still controlled the state senate and could have blocked some Democratic efforts to dismantle the Radical program, but few Republicans showed themselves willing to stand in the way of what most considered their inevitable fall from power.

### *End of Reconstruction*

Texas held another general election in the fall of 1873. Davis saw little chance for success, but he campaigned across the state for reelection. The Democrats ran Richard Coke as his opponent. In an election marked by what had become the usual intimidation and **violence**, Coke soundly defeated the incumbent Davis 85,549 to 46,663. In legislative elections, the Democrats gained control of the state senate as well as the house. All that stood in the way of the democracy's complete return to power was the state's Supreme Court. In December, the Court heard the case of *Ex parte Rodriguez* from Houston challenging the election. The justices ruled that the election was unconstitutional, because the law passed by the Thirteenth Legislature had overridden the intent of the constitution concerning the number of days for balloting. The decision depended on a semicolon dividing two phrases in the constitution, giving the Court thereafter the popular name of the "the semicolon court." The Court had no power to enforce its decision, but Governor Davis believed he had the responsibility of upholding the judiciary. His stand led to a confrontation between himself and the new legislature and governor-elect Coke. Unable to secure the aid of federal forces and unwilling to resort to violence himself, Davis ultimately stepped down and turned state offices over to the Coke government. Known popularly as the Coke-Davis Imbroglia, this confrontation brought an end to Reconstruction in Texas and paved the way for Democratic domination of state government into the next century. *See also* Agriculture; Elections of 1868; Labor Systems; Redemption.

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*Carl H. Moneyhon*

### ***Texas v. White* (1869)**

In this case, the U.S. **Supreme Court**, by a 5–3 vote, decided one of the central constitutional questions of the Civil War. Was the Union perpetual and indestructible? The Supreme Court in *Texas v. White* answered yes. The Court held that as a matter of constitutional law, no state could leave the Union, explicitly repudiating the position of the Confederate states that the United States was a voluntary compact between sovereign states. The decision came down on April 15, 1869, and was written by Chief Justice **Salmon P. Chase**. Chase drew upon language in the Articles of Confederation that the United States was perpetual, as well as the preamble of the **U.S. Constitution** declaring a specified goal of the document was to “create a more perfect Union,” which for Chase manifestly meant an unbreakable Union.

The facts of the case turned on bond payments sought by the state of **Texas** after the Civil War. In 1851, the United States transferred federal bonds to Texas, making the bonds payable to the state in 1864. During the Civil War, in 1862, the Texas legislature directed that the bonds be sold to pay for military supplies. After the Civil War, Texas brought suit in the Supreme Court to recover the bonds. The question before the Court was whether the actions of the rebellious Texas legislature in 1862 were legally binding, or were null and void on the grounds that the public acts of the insurgent government were not legally legitimate. At the time of the lawsuit, Texas had not yet been formally readmitted to the Union under the terms of Reconstruction legislation. Yet, if Texas had not been “**readmitted**,” was this a legal recognition that Texas had effectively left the Union? This was a relevant question because the Supreme Court, before it could hear the merits of the case, first had to determine if the suit before it was properly in federal court on diversity grounds. Diversity jurisdiction is found in the constitutional provision that the federal courts hear disputes between a state and a citizen of another state. Was Texas a state? If not, then the Court had no jurisdiction.

Chase dealt briskly with this fundamental question of constitutional law, ruling that secession was unconstitutional and that Texas had remained at all times a state in the Union. Secession was illegal and the actions of the Texas legislature in support of secession were illegal. The legislature’s action in 1862 directing the sale of the bonds was invalid and of no legal consequence. The Court held that Texas was therefore entitled to the bonds back, and the state was not required to pay people who purchased the bonds in 1862, including the plaintiff, George White.

Here, Chase summarily dismissed one of the central constitutional and legal questions of the Civil War. Many historians, such as David Currie and Kenneth Stampp, have persuasively argued that, as a matter of history, the question of whether the Union was intended to be perpetual was much less settled than Chase’s opinion in *Texas v. White* suggests. Yet, after *Texas v. White*, the question that had dominated so much congressional and legal debate was definitively settled, at least in the eyes of the law. Importantly, the decision held that only public laws in support of the Confederacy were invalid. The routine administration of private law in the Confederacy remained unchallenged, and the law recognized marriages, wills, deeds, and contracts created inside

rebellious states during the Civil War. *See also* Amnesty Proclamations; *McCardle, Ex parte*; *Milligan, Ex parte*; Presidential Reconstruction.

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Daniel W. Hamilton

### Thirteenth Amendment (1865)

Although some Americans sought a constitutional amendment to secure the permanent protection of state-based slavery before the Civil War, few looked to the amendment process as the best way to end slavery in the United States. Then came the Civil War, limited **emancipation**, and finally, in 1864, the **National Union Party** of President **Abraham Lincoln** called for a constitutional amendment abolishing slavery. In February 1865, in the last days of the Civil War, the Republican-dominated 38th Congress sent a proposed Thirteenth Amendment to the states for their approval. Ratified that December, the Thirteenth Amendment was the first addition to the **U.S. Constitution** in more than sixty years and the first of three Reconstruction-era amendments.

In words largely taken from the Northwest Ordinance of 1787, the Thirteenth Amendment provides that “neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist in the United States, or any place subject to their jurisdiction.” It includes no provision for the compensation of slave owners. Its words do not limit the actions of any particular group or limit its prohibition to slavery based on race. Section 2 authorizes Congress to enforce the **abolition of slavery** with “appropriate legislation.”

Considering that as late as 1861, the nation sought to save the Union by providing slavery with permanent protection, the path to the amendment during the Civil War was surprisingly easy. In 1862, Congress provided for compensated emancipation in the **District of Columbia**. It also ended slavery in federal territories. Lincoln’s Emancipation Proclamation of January 1, 1863, formally ended slavery in Confederate-held areas of the eleven seceded states. It did not cover slavery in the four nonseceded slaveholding states, in the western counties of **Virginia**, by 1863 the state of **West Virginia**, nor in federally held areas of **Louisiana**. In addition, its authority as a war measure did not bar the future re-creation of slavery of some type; the proclamation and the war ended slavery militarily, but the institution’s legal existence was unclear, and many believed that Congress did not have the power to end slavery in the nation by statute. It was emancipation—the freeing of slaves—not abolition, the destruction of the institution itself.

In December 1863, Congressman **James M. Ashley** of Ohio proposed a constitutional amendment; the following month, John B. Henderson of Missouri did so in the Senate. These men sought the broad and permanent abolition of slavery in the United States through amending the Constitution, a

document that dealt with slavery but used neither the word “slave” nor “slavery,” and which left the institution in state hands. In April 1864, the proposed amendment failed to receive the necessary two-thirds vote in the House of Representatives (93–65). After Lincoln’s victory in the **election of 1864** and **Maryland’s** voluntary abolition of slavery, the president helped push the amendment through the House on January 31, 1865, by a vote of 119 to 56.

Another problem existed: It was unclear how many states were necessary to ratify the proposed amendment. If the eleven former Confederate states were assumed not to have left the Union, the nation had thirty-six states and thus twenty-seven were needed to ratify. This was the number determined by Secretary of State **William H. Seward**. The death of Lincoln on April 15, 1865, did not stall the process, and the new president, **Andrew Johnson**, fully supported abolition. Encouraged by Johnson to approve the amendment, eight of the former Confederate states did so, and on December 15, 1865, the Thirteenth Amendment went into effect. Ratifying states included all of the seceded states except the slow-moving **Florida** and **Texas**. The states of **Kentucky** and Delaware, so-called “border states” that had slavery but stayed in the Union, rejected the amendment.

As a result of Lincoln’s Emancipation Proclamation and President Andrew Johnson’s restoration plan, which required abolition even before the amendment went into effect, virtually all slaves were free by late 1865. The impact of the amendment was thus largely in defining slavery and determining the scope of Section 2. While the amendment clearly prohibited slavery, its real impact was uncertain. Did it end only the legal ownership, the chains, and the slave trade, or did it redefine freedom to include equality in both formal and customary relationships? In other words, if slavery was no longer a status, were all Americans equally free? Did not being a slave automatically make someone a citizen? When the nation had slavery, a person had one of two statuses: free and slave. With the abolition of slavery, only freedom remained, but what did freedom mean?

As participants in the **abolitionist** culture, which sought not only an end to slavery but an end to discrimination, **Radical Republicans** clearly intended the amendment to do more than permanently end the enslavement of **African Americans**. At least some of its framers and early supporters saw the constitutional addition as requiring equality before the law for everyone, and they believed that Section 2, despite confidence that localities and states would prevent the return of slavery, gave the national government the responsibility to prevent denial of rights, the badge of slavery.

Such an interpretation was opposed and feared by many in the **Democratic Party**, which by and large opposed the measure. They saw a former slave as someone who no longer was a slave, not as someone with rights equal to whites. The amendment, they acknowledged unhappily, had the potential to create freedom with rights. One feared scenario was that the amendment would have a broad-reaching effect on accepted and valued distinctions: between whites and blacks, men and women, parents and children. Opponents were also concerned about centralizing power, thanks in large part to the unique (to that point in the Constitution’s history) and explicit enforcement



provision in Section 2. Also, opponents argued that as a domestic institution, one solely within state jurisdiction, slavery was outside the Constitution's reach, even through amendment. Prior amendments had corrected some technical defect in the Constitution or had limited the national government; the Thirteenth was the first to touch the internal affairs of states and the first to give Congress enforcement powers.

An example of the amendment's broad definition was its use as the constitutional foundation of the **Civil Rights Act of 1866**. The statute was prompted by the southern states' passage in 1865 and 1866 of **Black Codes**, laws that did not formally reinstitute slavery, but which limited the freedom of the freedpeople. As enacted by the 39th Congress in early 1866, the statute covered various civil and economic rights, such as making **contracts**, owning and selling property, and bringing lawsuits. Supporters of the measure argued that without these rights, freedom had no meaning; denial of these rights—whether by government or private individual—was a badge of slavery, thus violating the Thirteenth Amendment.

Despite the help of these arguments in securing the enactment of the nation's first civil rights act, within a short time, opponents of the amendment had little to fear about its broad reach. The framers' goal was undermined by the country's state-based federal system and by its entrenched racism. Neither would let the national government become too active or reach too extensively into the lives of private individuals. Added to this was the ratification of the **Fourteenth** (1868) and **Fifteenth Amendments** (1870). With them, the Thirteenth Amendment faded into the constitutional background as its prohibition of slavery was narrowly viewed by courts and lawmakers, who now gave the Fourteenth and Fifteenth Amendments priority. However imprecise these latter amendments were, they were specific enough to be less dangerous and more useful than the Thirteenth. The recourse to the Thirteenth Amendment for general discrimination against blacks, as part of a prohibition of slavery and its badges, faded, and proponents of black rights turned to the new amendments for action.

In decisions by U.S. **Supreme Court** justices on circuit during the late 1860s, the Thirteenth Amendment had received a liberal reading. *United States v. Rhodes* (1866), a Kentucky case, and *In re Turner* (1867), a Maryland case, saw the amendment as guaranteeing freedom in a broad sense. In *United States v. Cruikshank* (1874), the circuit court opinion of Justice Joseph P. Bradley accepted far-reaching congressional power over private action under the Thirteenth Amendment. In the *Slaughterhouse Cases*, which the Supreme Court decided in 1873, comments on the Thirteenth Amendment by Samuel Miller seemed to limit the provision's importance to a statement about human rights in general, while Justice Stephen J. Field in dissent continued the circuit court's early emphasis on the amendment's reach to badges of slavery. Ten years later in the *Civil Rights Cases* (1885), the Court argued that while the amendment abolished slavery and its badges, the denial of admission to a theater or an inn was not a badge of slavery. Fundamental civil or economic rights were protected, not social ones.

A rare exception to the amendment's abandonment was its accepted coverage of peonage, which was bondage based on indebtedness. In 1867,

Congress enacted a statute against peonage, and in 1905, in *Clyatt v. United States*, the Supreme Court upheld Congress's authority to do so under the Thirteenth Amendment. In other cases in the early 1900s involving state fraud statutes, the Court reached similar decisions. On the other hand, it ruled in 1918 that a selective service system (military draft) did not violate the Thirteenth Amendment.

The tug of war continues, however, as the broader interpretation of the amendment was confirmed a century after Reconstruction when the Supreme Court in *Jones v. Alfred H. Mayer Co.* (1968) ruled that a homeowner's refusal to sell property to a black buyer was a badge of slavery, as intended by the Thirteenth Amendment. *See also* Amendments, Constitutional, Proposed by Andrew Johnson; Annual Messages of the President; Civil Rights; Congressional Reconstruction; Contraband, Slaves as; Enforcement Act (1875); Enforcement Acts (1870, 1871); Garrison, William Lloyd; Jim Crow Laws; New South; Phillips, Wendell; Presidential Reconstruction; Readmission; Trumbull, Lyman; U.S. Army and Reconstruction; Women's Movement.

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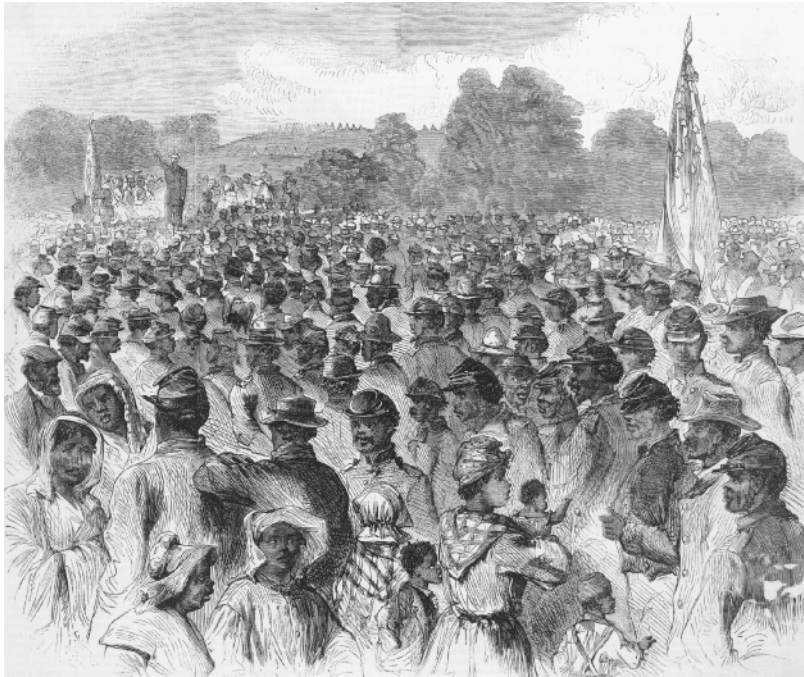
*Claudine L. Ferrell*

### Thomas, Lorenzo (1804–1875)

Lorenzo Thomas, career army officer and participant in the **impeachment** drama revolving around **Andrew Johnson**, was born in New Castle, Delaware, to Evan Thomas and Elizabeth Sherer. He graduated in 1823 from West Point, seventeenth in a class of thirty-five, and received a commission to the infantry. Before the Civil War, his career included military experience in the Seminole War and Mexican War. He served as Winfield Scott's chief of staff from 1853 until 1861.

As war approached in March 1861, he became a colonel, and later that year, President **Abraham Lincoln** appointed him the Union army's adjutant general. He served on the War Board that consisted of War Department bureau chiefs who advised the president. Following President Lincoln's orders, he investigated the **emancipation** policies of John C. Frémont in Missouri and issued a sharp reprimand to Frémont that infuriated **Radical Republicans** in Washington. Unable to keep his mouth or his whiskey bottle shut, he infuriated many in the army command with his old-school war strategies, inept bureaucratic management, lethargy, conservatism, and intemperance. By 1862, Secretary of War **Edwin M. Stanton** found as many ways as possible to keep him far from Washington.

In early 1863, Thomas received orders to go to the Mississippi River Valley to begin recruiting **African American** soldiers for the Union army. He often



Lorenzo Thomas addressing negroes in Louisiana on the duties of freedom, 1863. (Courtesy of the Library of Congress.)

spoke to potential black soldiers, urging them to fight for their freedom. He encouraged white officers to volunteer to lead black troops into combat and sent Washington lists of potential officers. By December 1863, he had recruited more than 75,000 **black troops** for the Union cause.

For the remainder of the war, Secretary of War Stanton relegated Thomas to inspecting national cemeteries and provost offices in insignificant places. In March 1865, he became a major general, but loathed the Radicals, who he blamed for stalling his career. As a result, he aligned himself with President Andrew Johnson and supported his conservative approach toward Reconstruction.

Thomas became a rather unimportant ally as Johnson struggled with the Radicals in Congress. Following the **elections of 1866** and the coming of **Congressional Reconstruction** embodied in the **Military Reconstruction Acts** of early 1867, Johnson sought ways to impede the Republican program. Congress passed the **Tenure of Office Act** as a sort of countermeasure, to protect Republicans in office from executive removal.

In August 1867, Johnson suspended the Radical Stanton from office, and replaced him with **Ulysses S. Grant**, believing he could win him as another ally. When Congress reconvened in December, Grant delivered the post back to Stanton—against the president's wishes—and Johnson subsequently removed Stanton altogether. In his place, on February 21, Johnson appointed the dotting Thomas secretary of war ad interim, allegedly until the courts could decide the constitutionality of the tenure law. Never particularly astute

intellectually, Thomas did not recognize he was but a pawn in the power struggle between the legislative and executive branches. So, as the drama neared its climax, Thomas prepared for a masquerade ball while Stanton and his War Department cronies plotted strategy. At the same time that Thomas received his new orders and position, Stanton received a famous one-word telegram from Radical senator **Charles Sumner**: “Stick.”

On February 22, 1868, Thomas tried to enter his new office, only to find Secretary of War Stanton barricaded inside. A comic opera ensued, with Thomas beating on the door and threatening to physically remove Stanton. Each man sued the other for malicious prosecution, while General Grant, to the ire of Johnson and pleasure of the Radicals, came out in support of Stanton.

The upshot of the episode was the impeachment of Johnson, charged with violating the Tenure of Office Act. Thomas’s name appeared in several of the Articles of Impeachment, because it was, some of the **impeachment managers** (prosecutors) claimed, illegal to appoint him to office. Thomas’s testimony at the impeachment trial proved his intellectual feebleness and revealed he had no real idea of what was going on.

Following the failure to convict Johnson in the Senate trial, a rough compromise emerged whereby Stanton left office, Thomas ceased seeking it, and an individual suitable to all replaced them both. That man was **John M. Schofield**, superior to Thomas in every way. Thomas retired from the army in February 1869, and died in Washington on March 2, 1875. *See also* Joint Committee on Reconstruction; National Union Movement; Presidential Reconstruction.

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*Randy Finley*

### **Throckmorton, James W. (1825–1894)**

James Webb Throckmorton, Conservative Reconstruction governor of **Texas**, was born in Sparta, **Tennessee**, on February 1, 1825, but moved with his family to Collin County, Texas, in 1841. After initially studying medicine with an uncle in **Kentucky**, then returning to Texas to practice medicine at McKinney, Throckmorton decided to begin a law practice instead. He also showed an early interest in politics, initially as a member of the Whig Party. In 1851, he successfully ran for the Texas House of Representatives. He regained

his seat in that body in the next two elections. As the Whigs disintegrated as a party, Throckmorton moved into the **Democratic Party**. In 1857 and 1859, he was elected to the state senate. As a Democrat, he was an associate of Senator Sam Houston, and in the sectional crisis of the 1850s, urged moderation. In the secession crisis, he ran for the state convention on a pro-Union platform and was one of seven delegates who refused to vote for the state's secession ordinance.

Like many Texas Unionists, Throckmorton supported his state once the war began. He organized a company of cavalry and participated in action against federal forts in the Indian Territory. He then joined the Sixth Texas Cavalry and fought at Chustennallah and Pea Ridge. He returned to Texas in 1862, where he spent the rest of the war. He received a commission as a brigadier general and commanded the First Frontier District. In that role, he negotiated treaties with **American Indian** tribes in the Indian Territory and attempted to maintain the peace along the frontier. During this time, the Indians gave him the nickname that he carried through the rest of his life, "Old Leathercoat."

Following Confederate defeat, Throckmorton, despite his course during the war, believed he should play a role in the restoration process because he had opposed secession. He was disabused of this idea when he met with the state's **provisional governor**, Andrew J. Hamilton. Throckmorton found that Unionists who had left the state did not consider his course truly loyal, since he did in fact support the Confederacy once war began. He also learned that many exiled Unionists had returned believing that successful Reconstruction required the recognition of **abolition**, protection of the rights of **African Americans**, and possibly the extension of **suffrage**. Throckmorton, whose racism found even white foreigners inferior, realized he had no place among these Unionists and began working in opposition to them.

In 1866, he ran for the state **constitutional convention** from his home county and was elected by an overwhelming margin. At the state capital, he found himself advantageously situated. Throckmorton became the central figure among Unionists similar to him. These became known as the Conservative Unionists as opposed to the Radicals of Hamilton's party. Old leaders of the Democratic Party, calling themselves Conservatives, wished to regain control over state government as quickly as possible, but did not have a majority in the convention. A coalition with Throckmorton gave them that power and also cloaked them with the appearance of loyalty. Throckmorton secured their support, and the Conservative Unionist-Conservative coalition gave him the presidency of the convention.

The coalition of Conservative Unionists and Democrats continued in the postconvention election, with Throckmorton running as their candidate for governor. In the June election, Throckmorton decisively defeated the Radical Unionist candidate, former governor Elisha M. Pease, by a vote of 49,277 to 12,168. Throckmorton took office on August 9, 1866.

By the time he took office, Texans were aware of the growing opposition in the North to President **Andrew Johnson's** southern governments, and the governor urged the new legislature to avoid antagonizing the North or its **Radical Republicans** in Congress. Yet, his actions contradicted this. He supported the legislature's refusal to act on the **Thirteenth Amendment** and its

outright rejection of the **Fourteenth Amendment**. Subsequently, he did little to stand in the way as that body passed **Black Codes** designed to regulate the lives of the freedpeople, gerrymander legislative districts to limit the power of Radical Unionists, and protect the interest of former Confederate officeholders.

From the beginning of his administration, despite his hope to demonstrate loyalty, Throckmorton clashed with military officials in Texas over their authority, especially the ability of the Freedmen's Bureau courts to intervene in matters related to the freedmen. Since, on August 20, 1865, President Johnson had proclaimed the rebellion to be at an end in Texas, Throckmorton believed this placed military authority underneath civil government. As a result, he leveled a barrage of complaints to the president, the Congress, and the army about any action he perceived as unconstitutional. At the same time, however, he ignored the failure of local civil authorities to protect the freedmen. With the onset of **Congressional Reconstruction** in the spring of 1867, Throckmorton's position became precarious, as the **Military Reconstruction Acts** allowed district commanders (army generals) to remove officials they perceived as obstructionist. Uncertain at first about their power, military officials delayed, but on July 30, 1867, Major General **Philip H. Sheridan**, commander of the military district, removed Throckmorton from office.

Throckmorton returned to McKinney following his removal. He resumed the practice of law, but he also continued to play an active political role, criticizing the opposition Republicans and the administration of **Edmund J. Davis**. Throckmorton played a major role in developing the charges that the Davis administration was extravagant and abused power, while at the same time, he served as a lobbyist for various **railroad** interests. His political opponents even charged Throckmorton with bribing members of the legislature to secure important benefits for the railroads from the state, although the accusations were never proven.

Following the end of Reconstruction, Throckmorton remained popular in his local district. He was elected to Congress in 1874, 1876, 1882, 1884, and 1886. In Washington, he continued to push for the development of his community, particularly supporting federal aid to railroads. He continued to work both as a railroad lobbyist and sometimes as a railroad attorney. His support of the railroads and the rumors of his role during the Davis administration haunted him politically when public reaction to railroad **scandals** increased. He failed to secure the Democratic nomination for governor in 1878 and in 1892. As he aged, he developed kidney disease, and his health grew increasingly fragile. He fell while on a trip in March 1894, and his health seriously deteriorated. He died on April 21, 1894, and was buried at McKinney. *See also* Amnesty Proclamations; Bureau of Refugees, Freedmen, and Abandoned Lands; Civil Rights; Civil Rights Act of 1866; Elections of 1866; Loyalty Oaths; National Union Movement; Presidential Reconstruction; Readmission.

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*Carl H. Moneyhon*

### **Tilden, Samuel J. (1814–1886)**

Samuel Jones Tilden was born in New Lebanon, New York, the son of a successful farmer. Tilden began his political career in 1832 by writing political manifestos for William Marcy, a Democrat senator and member of the Albany Regency, one of America's first political machines. While enrolled at New York University in 1840, he abandoned his legal studies to work for the reelection of President Martin Van Buren. After Van Buren's defeat, Tilden became a corporate lawyer in New York City, where he made a fortune representing **railroad** companies in court. He also remained politically active, serving as a corporation counsel of New York City in 1843, a delegate to the Democratic National Convention in 1844, and a state legislator the following year.

Although not holding office during the late 1840s and 1850s, Tilden continued to dabble in **Democratic Party** affairs. He was a member of Van Buren's antislavery Barnburner faction and allied with the Free Soil Party in 1848. Despite his opposition to the expansion of slavery into the territories, however, Tilden remained a member of the Democratic Party. In 1860, he was a delegate to the National Democratic Convention and supported Illinois senator Stephen A. Douglas for president. Like many other northern Democrats, Tilden supported the Union cause during the Civil War, while remaining hostile to Republican attempts to expand federal power and impose harsh measures on the South. In 1862, he was instrumental in recruiting **Horatio Seymour** as governor of New York.

After the Civil War, Tilden supported the policies of **Andrew Johnson**, a Unionist War Democrat who had become president after **Abraham Lincoln's** assassination in April 1865. Like Johnson, Tilden opposed military rule, feared an overly expansive federal program, and had significant reservations about advocating black rights. Like many northern Democrats, Tilden believed **Congressional Reconstruction** did more harm than good, and sought a quick and conservative closing to the war and its results.

Although never really close to Johnson, the relationship grew more distant because of the **election of 1868**. The president openly—and naively—sought the Democratic presidential nomination, but it went to Horatio Seymour of New York. Seymour, perhaps disingenuously, claimed he did not want the nomination, but accepted it. By this time, Tilden had become chairman of the New York State Democratic Party, and he agreed to manage Seymour's campaign for president.

After Seymour's loss to **Ulysses S. Grant**, Tilden turned his attention to corruption in New York. In the fall of 1871, he launched a campaign against the infamous **Tweed** Ring of New York City's Tammany Hall. Tilden, believing that this political machine had plundered the city of millions of dollars, demanded that its members resign from office and testified against "Boss"

William Marcy Tweed in January 1873. In 1874, he ran for governor, defeating his Republican opponent that November. As governor, Tilden appointed a commission to investigate the so-called Canal Ring, a group of New Yorkers of both parties who had skimmed money from building, repair, and supply contracts for the Erie Canal. The commission's report resulted in the conviction of several members of the Ring.

Tilden's place in Reconstruction history is usually remembered because of his role in the 1876–1877 election dilemma. Possessing impeccable reform credentials, he easily won the Democratic nomination for president in 1876. Like Democrats before him, Tilden opposed **African American** equality, favored a weak central government, and advocated for states' rights. His opponent, Republican **Rutherford B. Hayes** from Ohio, chastised Tilden's record during the Civil War, falsely accusing him of being a "Peace" Democrat, and attacked the Democratic nominee for having filed fraudulent income tax returns. The election was close, especially because many southern states had already been "redeemed" so their Republican parties did not present the unified electorate they once had. In addition, elections in several southern states saw **violence** and fraud, so vote counts were difficult to determine.

In the actual election, Tilden won a majority of the national popular vote, but because of the problems in the South, it was unclear how the electoral votes would be apportioned. Months of debates, discussions, and dealings passed, and America was without a president-elect just weeks before the inauguration. Finally, a special **electoral commission** was created, which awarded twenty disputed electoral votes to Hayes, giving him the election. This so-called **Compromise of 1877** resulted in the last Republican governments collapsing in the South, but that was little consolation to the man who believed he should be president. Following this controversial election, Tilden retired to his estate in suburban Yonkers, where he died in 1886. *See also* Black Suffrage; Civil Rights; Democratic National Convention; Elections of 1876; Florida; Louisiana; Presidential Reconstruction; Redemption; Scandals; South Carolina; U.S. Army and Reconstruction.

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*Bruce E. Stewart*

### **Tourgée, Albion Winegar (1838–1905)**

Albion Winegar Tourgée, author and advocate for freedmen's rights, was born in Williamsfield, Ohio, to parents of French Huguenot and Swiss ancestry. When Tourgée was nine years old, his family moved to nearby Kingsville, Ohio. Blinded in the right eye by a percussion cap explosion at the age of fourteen, Tourgée spent several teenage years with relatives in Lee, Massachusetts, before returning to Kingsville at the age of eighteen. He studied at Kingsville Academy, where he met Emma Lodoilska Kilbourne. The two became engaged in 1858, the same year Tourgée entered Rochester College.



### *Civil War Service*

As the Civil War loomed near, Tourgée joined the Wide-Awakes, an organization devoted to spreading the values of the Republican Party. In April 1861, he and several other classmates joined what ultimately became the 27th New York Volunteer Infantry. At the Battle of First Bull Run, Tourgée suffered a severe back injury when hit by the wheel of a gun carriage. He left the army and returned to Ohio until sufficiently recovered, returning to active duty upon his promotion to lieutenant in the 105th Ohio Volunteer Army. Shot in the hip at Perryville, **Kentucky**, in 1862, he continued to fight with his men in Kentucky and **Tennessee** until captured in 1863 at Stone's River. Tourgée spent four months in various prison camps before receiving his freedom as part of a prisoner exchange. Returning to Ohio for a brief furlough, he and Emma married in May 1863. Tourgée rejoined his regiment in Tennessee where he saw action at the Battle of Chickamauga. In Chattanooga, a fall renewed his back injury, leading to, in his opinion, the loss of a promotion. Frustrated, he resigned his army post in late 1863 and returned to civilian life in Ohio where he took on a series of different jobs. Admitted to the Ohio bar in 1864, he practiced law, taught school, and worked as a reporter for the Erie, Pennsylvania, *Dispatch*.

### *A Carpetbagger in North Carolina*

Intrigued by the opportunities the South offered for business investment and seeking a warmer climate for his health, Tourgée took a trip to **North Carolina** in summer 1865. Soon after, he and Emma left Ohio and established residence on the outskirts of Greensboro, North Carolina. With several partners, he rented a nursery and 750 acres of farmland, speculated in **railroad** construction, and established a law firm. Life in postwar North Carolina shaped his views about **African American** rights, and Tourgée publicly promoted land reform, manhood **suffrage**, and equal rights for all citizens. The Tourgées leased land to freedmen and, through his law firm, Tourgée helped southern Unionists establish legal claim to property destroyed by Union armies. Demanding federal protection for both Unionists and freedmen, in November 1866, Tourgée established the weekly *Union Register*. He also played a formative role in the creation of the Loyal Reconstruction League, an organization similar to the **Union Leagues**, mainly comprised of supporters of former Unionist governor **William W. Holden**.

Tourgée's political activism led to his election as delegate to the first state Republican convention, which met in the state capital of Raleigh in March 1867. He also played an active role as delegate to the 1868 **constitutional convention**, serving as secretary pro tem and helping secure a number of constitutional measures including **black suffrage**, abolition of the **poll tax**, debt reform, and election rather than appointment of judges and other officials. The convention appointed Tourgée one of three commissioners to reform the state's law codes, a position he held until Democrats dissolved the commission in 1873. Tourgée unsuccessfully sought the Republican nomination for the U.S. House of Representatives in 1868, but later that year won election as Superior Court Judge of the Seventh Judicial District, a circuit position covering eight counties in the piedmont of North Carolina.

During Tourgée's tenure as judge, he tried various civil and criminal cases, including prosecutions of members of the **Ku Klux Klan**, which exercised a strong presence in the piedmont and whose political chicanery and intimidation—including the murders of several Republican leaders in the region—Tourgée blamed for Republican loss of the state legislature in 1870. Although he and Emma often received death threats, Tourgée publicly denounced the organization and advocated state and federal intervention against the organization. He secured indictments against various Klan members in the piedmont, although most of the suspects were freed when the Democratic-controlled legislature passed amnesty laws in 1872 and 1873. The following year, Tourgée lost his judgeship when the Democratic legislature failed to reappoint him to a second term. Still, Tourgée continued to champion political and educational rights for freedmen. As a Republican delegate to the Democratic-controlled constitutional convention of 1875, he helped prevent a complete overhaul of the constitution of 1868. He also unsuccessfully ran for Congress in 1874 and 1878.

Throughout the 1860s and 1870s, Tourgée speculated in business investments, often using his enterprises to help African Americans. The Guilford County Cooperative Business Company, formed in the late 1860s, provided economic assistance to the county's farmers. In 1871, Tourgée established what was ultimately named the North Carolina Handle Company, which remained solvent until the **Panic of 1873**. Soon after, he helped form a law firm in Greensboro that primarily assisted poor clients. He published his first novel, *Toinette*, in 1874, under the name of Henry Churton. Centered on the lives of two slave women, the novel provided a critical assessment of the injustices of power and race in the antebellum and Civil War South. In 1875, the Tourgées welcomed their first and only child, Aimee, into their lives, and the family moved to Raleigh the following year, for Tourgée to accept an appointment as a federal pension agent. The job lasted only until 1878, when the Tourgées returned to Greensboro.

### *A Disillusioned Crusader*

Although he continued to promote freedmen's rights through legal and economic channels, the conservative political climate of post-Reconstruction North Carolina proved frustrating to Tourgée, who, in the fall of 1879, moved with his family to Denver, Colorado. Tourgée worked on the editorial staff of the *Denver Evening Times* and speculated in real estate and mining ventures; he also witnessed the publication that same fall of two novels, *Figs and Thistles* and *A Fool's Errand by One of the Fools*. Largely based on Tourgée's experience in Reconstruction North Carolina, *A Fool's Errand* depicted the racial injustice of the postwar South and emphasized the need for federal programs, particularly regarding **education**, to transform racial inequities. The novel quickly overshadowed *Figs and Thistles* in critical and popular acclaim, becoming a best seller in the early 1880s and prompting a move to New York, where Tourgée continued a prolific writing career. He published a number of subsequent novels, including *Bricks without Straw* (1880) and *An Appeal to Caesar* (1884), both of which underscored the need for federal

education programs. In the 1880s, Tourgée edited the magazine *Our Continent* (later shortened to *Continent*). He also regularly published articles in periodicals including *Inter Ocean*, the *Basis*, and *War of the Standards*. His writings consistently emphasized the need for federal support for social, economic, and educational reform.

Although no longer living in the South, for the remainder of his life, Tourgée remained firmly committed to racial and economic justice for African Americans. He joined other white activists at the Lake Mahonk Conference on the Negro in the summer of 1890, and in 1891, helped launch the National Citizens Rights Association, an interracial organization that promoted equal rights. Through these organizations and his continued publications, Tourgée campaigned against the alarming increase of lynchings and legal segregation in the South. As defense lawyer for the “Citizen’s Committee to Test the Constitutionality of the Separate Car Law” in New Orleans, Tourgée wrote a brief affirming the **Fourteenth Amendment’s** emphasis upon equal protection of the law for the 1896 *Plessy v. Ferguson* **Supreme Court** case. Soon after, Tourgée sought and received an appointment as U.S. consul to Bordeaux, France. The family moved to Bordeaux in 1897, where, apart from his consular duties, Tourgée continued to write and to champion racial justice. He died in Bordeaux on May 21, 1905, at the age of sixty-eight. Only months later, in November 1905, the newly formed Niagara Movement offered a testimony to Tourgée’s lifelong efforts to promote racial equality. The organization held national memorial services for three “Friends of Freedom”—**William Lloyd Garrison, Frederick Douglass**, and Albion Tourgée. *See also* Abolition of Slavery; Black Politicians; Bloody Shirt; Bourbons; Bureau of Refugees, Freedmen, and Abandoned Lands; Carpetbaggers; Congressional Reconstruction; Democratic Party; Enforcement Acts (1870, 1871); Jim Crow Laws; New South; Redemption; Southern Claims Commission (SCC); Stalwarts; U.S. Army and Reconstruction; Worth, Jonathan.

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Kimberly R. Kellison

### Trowbridge, John T. (1827–1916)

John Townsend Trowbridge, author of *The South: A Tour of Its Battlefields and Ruined Cities* (1866), was born in the township of Ogden, in Monroe County, New York. He attended school in Lockport and worked briefly as a schoolteacher before deciding to become a writer at age nineteen.

After a year in New York City, Trowbridge settled in Boston in 1848, where he contributed poems and stories to numerous periodicals and became acquainted with the city’s prominent writers and antislavery activists. The publication of his first book, *Father Brighthopes* (1853), a novel for young people, began his long career as one of the nation’s most influential authors of juvenile literature.

The 1850 Fugitive Slave Law turned Trowbridge into an outspoken **abolitionist**, and in 1857, he published *Neighbor Jackwood*, an antislavery novel considered his best work. In 1860, Trowbridge married Cornelia Warren, and they had two children, one of whom died at birth. During the Civil War, Trowbridge wrote another antislavery novel, *Cudjo's Cave* (1863), to encourage **emancipation** and the recruiting of **African Americans** as soldiers. After the death of his wife in 1864, in 1865, Trowbridge moved into the West Cambridge (later Arlington) home where he lived for the rest of his life.

In 1865, Hartford publisher L. Stebbins approached Trowbridge with an offer: visit, investigate, and then write about conditions in the postwar South. Trowbridge began his tour in August 1865 in Washington, D.C., where he conferred with **Whitelaw Reid**, who had just completed his own travels in the former Confederacy, and **Oliver O. Howard**, director of the **Bureau of Refugees, Freedmen, and Abandoned Lands**.

Trowbridge spent four months in the South, on two separate trips, and traveled through eight states of the former Confederacy. In his book, which was sold by subscription, he described the major battlefields and capital cities, recounted his conversations with a cross-section of southerners, shared his opinions on the degree to which former Confederates had become reconciled to reunification, paid particular attention to how blacks and whites were making the transition to a free society, and consistently praised the work of the Freedmen's Bureau.

Trowbridge published six chapters of *The South in Our Young Folks*, for which he served as an editor, and in the *Atlantic Monthly*. The 1866 works of Trowbridge, Reid, and Sidney Andrews are viewed by historians as the most significant of the numerous postwar travel narratives written by northerners. In 1868, Trowbridge reissued his book with additional chapters on the political events of 1866–1868, including the **impeachment** of President **Andrew Johnson**.

In 1873, Trowbridge married Sarah Adelaide Newton, and they had three children. Thirty years later, he published his autobiography, in which he defended the merit of northerners who had worked in the South after the war (the military and the “**carpetbaggers**”) and praised the forbearance of the newly freed slaves. Trowbridge died of bronchitis at age 89. *See also* Abolition of Slavery; Amnesty Proclamations; Congressional Reconstruction; Contracts; Emancipation; Labor Systems; Presidential Reconstruction; Schurz, Carl.

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*Antoinette G. van Zelm*

### Trumbull, Lyman (1813–1896)

Judge, senator, and candidate for governor, Lyman Trumbull was one of the first effective lawmakers for Reconstruction, and one of its most trenchant critics.

The seventh son of Benjamin Trumbull and Elizabeth Mather, Trumbull was born in Colchester, Connecticut, and, in his austerity and abstinence from alcohol, kept the puritan rigor all his life. His stint in **Georgia** as a school-teacher was brief, and then he turned to studying the law. Settling in St. Clair County, Illinois, in 1837, Trumbull's career thrived as law partner with a former governor. He also gained attention as an up-and-coming stump speaker for the **Democratic Party**. Gifted at debate, masterful in logic, he was elected assemblyman in 1840 and appointed secretary of state the following year. He retired only briefly to private practice, and in 1848, the voters elected him to the state's supreme court. Since this was the state and party of Stephen Douglas, there was no place for Trumbull to rise from there.

By the 1850s, as sectional issues came to the fore, he fit less well with his party. Indeed, he had made something of a name for himself as a defender of blacks, including *Jarrot v. Jarrot* (1845), in which he put the courts on record that no slavery could exist on Illinois soil. Like many northern Democrats, Trumbull saw Douglas's Kansas-Nebraska bill of 1854 as a betrayal of northern interests in favor of southern designs, namely the expansion of slavery. Despite Douglas's powerful influence, Trumbull took a leading role among the anti-Nebraska Democrats and carried the congressional race in 1854. Even before he could take his seat, he was elected to the Senate after a grueling contest. He had already drifted away from the core of the Democratic Party, and now began his evolution into a Republican. As with his previous incarnation as a Democrat, Trumbull remained a man of individual conviction and idiosyncrasies, so never fully fit with the Republican Party. For instance, in his appreciation of states' rights doctrines, he reflected his past affiliation more than his present one.

During the Civil War, many classified Trumbull as one of the early **Radical Republicans** because of his support for an aggressive war. The author of the first and second **Confiscation Acts**, Trumbull favored **emancipation** largely as a means of defeating the Confederacy. Concerned that the Emancipation Proclamation might not pass court muster, he helped design the **Thirteenth Amendment** to make sure that freedom could not be reversed.

In Reconstruction, however, Trumbull was one of the foremost leaders of the Moderate Republicans. When it came to the status of the freedpeople, he favored neither postwar confiscation to bolster their economic rights, nor granting **suffrage** and political rights. As a result, he hoped that Congress and President **Andrew Johnson** could come to reasonable terms that would protect **African Americans** in their freedoms and bring a speedy **readmission** for the southern states. One sees this in his legislation, most notably the 1866 **Freedmen's Bureau bill** and **Civil Rights Act**. Johnson's antagonism toward these moderate measures convinced Trumbull—and many like him—that more forceful methods were needed, resulting in the **Military Reconstruction Acts** and the **Fourteenth and Fifteenth Amendments**.

As Reconstruction progressed, he became more jaded and less enthusiastic for the extraordinary use of national power to protect civil equality. His moderation was clearly evident in Johnson's **impeachment** trial, when he joined six other "**recusant**" Republicans in voting for President Andrew Johnson's acquittal—which took place by a single vote. Over the next four

years, Trumbull separated ever further from the rest of his party, and openly opposed the federal government's efforts to prop up the southern Republican governments. He called the so-called **Ku Klux** bill of 1871 a usurpation of states' rights, insisting that the Fourteenth Amendment had not expanded national authority, and joined the **Liberal Republican** revolt of 1872 supporting **Horace Greeley** for president instead of **Ulysses S. Grant**. Greeley's defeat drove Trumbull out of political life, too: His term ended in 1873, and while he ran unsuccessfully for governor as a Democrat later, he never held office again. *See also* Cincinnati Convention; Congressional Reconstruction; Enforcement Acts (1870, 1871); Fessenden, William Pitt; Grimes, James W.; Presidential Reconstruction; Ross, Edmund G.

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*Mark W. Summers*

### **Turner, In re (1867)**

Although most constitutional studies of Reconstruction focus on the U.S. **Supreme Court**, other levels of the American judicial system also played a part in defining post-Civil War America. The case of *In re Turner*, decided at the circuit court level, holds many lessons. It reflected the many forces in juxtaposition during Reconstruction, including the conservative nature of southern society, the problems of race relations, an early, progressive view of Reconstruction's possibilities, and an appreciation for the federal government's power. Yet, its significance was limited, for its progressive intent had little effect against the social conservatism and racism of the nineteenth-century United States.

**Maryland**, a so-called "border state" because it allowed slavery but did not secede, was not subject to the same requirements and processes as the former Confederate states. As such, many changes imposed on the rest of the South came differently to Maryland, including **emancipation**. In late 1864, a new Maryland constitution abolished slavery, but left unanswered many questions relating to the freedpeople's status. Therefore, although the process differed, the result in Maryland predated that of the other southern states: The Maryland legislature began passing a series of regulations designed to define and control the state's **African American** population, similar to the **Black Codes** that would appear in 1865. One of the most onerous of these laws related to apprenticeships, making it quite easy for white employers to effectively seize for labor the children of unemployed or indigent black parents. When congressional Republicans passed the **Civil Rights Act of 1866**, making black codes illegal, the Maryland law also came into question.

Elizabeth Turner, a former slave, was taken from her mother and apprenticed to their former master under Maryland's law. In 1867, working through agents of the **Bureau of Refugees, Freedmen, and Abandoned Lands**, she sued for her release, citing the **Thirteenth Amendment** and the Civil Rights Act. The congressional acts made the case fall under federal jurisdiction, and it made its way to the circuit court, in the district of none other than the chief

justice himself, **Salmon P. Chase**. Chase, who before developing presidential and political aspirations had built his Republican reputation on defending runaway slaves, agreed with Turner and struck down the Maryland statute. Turner, and other African American apprentices, were “free and equal” citizens, and must be subject to such laws in exactly the same manner as whites.

Chase’s decision was based in a broad interpretation of the Thirteenth Amendment, which he believed not only eliminated slavery, but actually *conferred freedom*. This idea involved a subtle and ambiguous need to define the limits of such freedom, which Chase was willing to do. Chase also based his ruling on the recent Civil Rights Act, which guaranteed the “full and equal benefit of all laws” regardless of race; so either whites also needed to be subject to this strange apprentice system, or the system itself must go.

The victory in Maryland had little impact beyond the state itself. To be sure, such discriminatory laws fell in the face of **Congressional Reconstruction** and the coming of the **Fourteenth Amendment**, but this active view of a broad federal mandate did not last. Just as the North and the nation drifted from the moral and egalitarian promises of Reconstruction, so too the Court became more conservative and indifferent. In fact, only fifteen years later, a remarkably familiar argument failed to overturn discriminatory **Jim Crow laws**. In the *Civil Rights Cases* (1883), Justice John Marshall Harlan argued that racial segregation constituted a “badge of servitude” (often misread as a “badge of slavery”) that, while not actually slavery, bore a close resemblance to its manner, effects, and process. As such, Jim Crow was illegal under the Thirteenth Amendment. Harlan was unsuccessful, as other justices countered with cryptic arguments that differentiated between “social” rights and “civil” rights, state jurisdictions and federal ones. As with so many other positive and optimistic aspects of Reconstruction, a full commitment to fairness, justice, and equality was still a long way off. *See also* Abolition of Slavery; Civil Rights; Contracts; Kentucky; Republicans, Moderate; *Slaughterhouse Cases*; Trumbull, Lyman; U.S. Army and Reconstruction; U.S. Constitution; *United States v. Cruikshank*; Vagrancy.

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*Richard Zuczek*

### **Tweed, William M. (1823–1878)**

William Magear (some claim Marcy) Tweed was the boss of Tammany Hall and symbol of wholesale grafting, made infamous by **Thomas Nast**’s cartoons. With the dynamic forces of immigration, industrialization, government expansion, and urbanization yielding incredible benefits to the nation, Tweed demonstrated how unscrupulous politicians could bring these forces together

for personal gain. The astounding malfeasance that marked his reign in New York placed the corruption of southern Republican governments in an entirely new perspective.

Born in New York to Irish American parents, Tweed learned bookkeeping, but set it aside for politics. With the help of connections made through his Americus volunteer fire company, he became New York City alderman and, for one unimpressive term, congressman (1853–1855).

Tweed's real strength came from power in the **Democratic Party** machine run out of Tammany Hall. As chairman of Tammany's general committee and then as its grand sachem, Tweed made it the voice of a pro-Union loyal Democratic Party in the Civil War, an appealing counterweight to Fernando Wood's Mozart Hall machine, which was far less supportive of the federal government. By 1865, the party was effectively his. Besting his rivals with more ease every year, relying more on deal making than bullyboy tactics, Tweed came to dominate the nominating process not just for New York City but for much of the downstate. By the time he was elected to the state senate in 1868, his reach stretched to Albany and his legislative coterie, "the Black Horse cavalry," could extort whatever favors they wanted in return for bribes or compromises from lawmakers upstate. His influence was crucial in electing Mayor John T. Hoffman as governor that year and by 1870, with Hoffman's reelection and presidential prospects looming, a chance at national power.

Tweed's Tammany dominated New York City in the years just after the war. With the metropolis growing tremendously and immigration at an all-time high, there were pipes to lay, roads to pave, social services to expand, and having a political "boss" made the process more efficient. It also provided an irresistible temptation for the state senator and his friends to cash in big. That is just what the so-called Tweed Ring did. Tweed, along with his allies—City Chamberlain Peter B. Sweeny; A. Oakey Hall, the wisecracking mayor; City Comptroller Richard "Slippery Dick" Connolly; and an assortment of small fry—looted the city of at least \$30 million, plus more in kickbacks, doctored invoices, padded accounts, generous printing contracts, and assorted minor works of rascality. With such methods, \$20,000 worth of plastering cost the city nearly \$3 million, and one beneficiary rented his armory to New York for \$5,000 a year—an exorbitant sum in view of the fact that the armory did not exist! A bevy of "Ring" judges put receiverships into the predators' hands and helped lesser criminals escape conviction. Most newspapers, either fearful of retaliation or interested in a slice of the graft, chose discretion. Tweed's own constituents were treated to lavish shows of generosity, especially around Christmas. There were plenty of city jobs for loyal partisans, lots of money for parochial schools, protection for small-time hoodlums, and carefully closed eyes when saloon keepers did business after hours or on Sunday. "Honest" upstate Democrats kept resolutely ignorant to the creative ways in which Tweed provided votes from downstate to carry New York, or sums of money for election campaigns—a wise move, since New York used creative counting and wholesale naturalizations in its push to control the Democratic presidential ticket in 1868.

In the end, three forces combined to bring down the Tweed Ring. The *New York Times*, indomitably Republican and violently hostile to any corruption





A drawing by Thomas Nast originally appearing in *Harper's Weekly*, attacking Tammany Hall and its boss, William M. Tweed, 1871. (Courtesy of the Library of Congress.)

outside its own party, helped expose Tweed to a larger audience when it published the city accounts, so sloppily kept that the thieving was plainly visible. Cartoonist Thomas Nast of *Harper's Weekly* drummed home the sinister imagery of Catholicism, Irish ignorance, Democratic viciousness, and Tammany corruption in a series of dramatic caricatures. Tweed became a vulture, a bloated figure with a moneybag for a head, the ballot box stuffer asking, "What are you going to do about it?" (which, contrary to legend, Tweed never actually said). An ugly riot against Protestant Irish Americans in July 1871 invigorated anti-Catholicism and fears of disorder in a somnolent public. Finally, Democrats like **Samuel J. Tilden**, whose consciences had slept, now discovered in Tweed such a liability that they had to heave him overboard; in Tilden's case, it was the perfect opportunity to make a name for himself as a true (if eleventh-hour) reformer. With Nast's cartoon personifying Tammany Hall as a tiger clawing justice, commerce, and the republic in the arena, and the challenge, "What are you going to do about it?" the voters rushed to choose reformers endorsed by the Committee of Seventy. The 1871 elections drove many of Tweed's cronies from power. Others fled the country or turned states' evidence.

As for their ringleader, Tweed held onto his senate seat, but faced trial on felony charges. After one jury failed to reach a decision, the next convicted him, and Tweed was sentenced to twelve years in prison. On appeal, the sentence was cut to one year, but no sooner was Tweed set free than he was indicted again. Escaping custody, he fled to Cuba, then to Spain, where in 1876 the U.S. government extradited him. Offering copious testimony on

how the Ring worked, Tweed delivered a startling, frightening look at the flaws in the democratic political design, and how easily private virtue fell to public vice. He was again convicted, and died in prison in 1878, a broken man. *See also* Democratic National Convention; Elections of 1868; Greeley, Horace; Patronage; Scandals; Seymour, Horatio.

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Mark W. Summers

### Twitchell, Marshall H. (1840–1905)

Marshall H. Twitchell was a prominent **carpetbagger** in **Louisiana** who, along with most of his family, became a Republican martyr during the “**redemption**” of the state. Graphic and tragic, the story of the Twitchell clan mirrors the rise and destruction of Republican hopes in the state—and perhaps the South in general.

On February 29, 1840, Twitchell was born on a small farm in Townshend, Vermont, to Harvey Daniel and Elizabeth Scott Twitchell. He graduated from Townshend’s Leland Seminary in 1860 and entered the Fourth Vermont Infantry the first summer of the Civil War. He served three years in the Fourth Vermont, rising to the rank of first sergeant, and suffering a near-fatal head wound at the Battle of the Wilderness. In the fall of 1864, he was promoted to captain and company commander in the 109th U.S. Colored Troops. A few months after the war, in September 1865, he accepted an assignment as the agent for the **Bureau of Refugees, Freedmen, and Abandoned Lands** in Bienville Parish, in northwest Louisiana.

In July 1866, he left the Freedmen’s Bureau, married Adele Coleman, the daughter of a prominent Bienville Parish planter, and purchased a plantation overlooking Lake Bistineau. Aided by his Louisiana in-laws, he prospered as a planter. In 1867–1868, he was a delegate to Louisiana’s **constitutional convention** under **Congressional Reconstruction**. In 1869, he purchased a new plantation on the upper Red River in De Soto Parish; a year later, he won election to the state senate as a Republican. In 1871–1872, with his friend and ally, Edward W. Dewees, a member of the lower house, Twitchell guided legislation through the General Assembly creating Red River Parish, with the town of Coushatta the parish seat. Although both Twitchell and Dewees were carpetbaggers, the creation of Red River Parish had broad backing from Coushatta’s business elite, most of whom were members of the **Democratic Party**. Twitchell constructed a disciplined political organization in which his relatives, in concert with **African American** Republicans, held the key offices in the parish and town government. Twitchell’s rise to power coincided with the first upswing of the southern economy after the war. Unfortunately, the recovery was all too brief; Coushatta and Louisiana’s prosperity was on the decline even before the **Panic of 1873**, which was devastating in the Red River

Valley. As the economy turned sour, white toleration of so-called “carpetbag rule” plummeted.

In the summer of 1874, the white line movement swept Louisiana and the Deep South. Coushatta’s business elite formed a branch of the “White Man’s Party,” or **White League**, whose avowed purpose was the overthrow of the Twitchell organization. In July and August, the Red River White League orchestrated the “Coushatta massacre.”

In the space of a few days in late July and early August 1874, the White League in and about Coushatta, Red River Parish, murdered ten Republicans, six whites and four blacks. Three of the murdered whites included Twitchell’s brother, Homer, and two of his brothers-in-law; all of the white victims were officeholders and members of the Twitchell organization. Two years later on May 2, 1876, in a deadly ambush, a disguised assassin killed the surviving brother-in-law, George King, and shot Twitchell himself six times. He survived the attack, but both of his arms were amputated. In this nadir of his fortunes, Twitchell’s three younger sisters died of disease, with stress and heartbreak contributing to their untimely deaths. The assassination attempt on Twitchell marked the end of Republican rule in Red River Parish and the larger downfall of the Republican Party in the Red River Valley of northwest Louisiana. The murder of so many officeholders and the virtual destruction of the entire Twitchell family is one of the most brutal chapters in the story of southern redemption.

A convalescing Twitchell returned North in 1876. Of the nine members of his family that had settled in Louisiana, only the carpetbagger and his mother survived. In 1878, President **Rutherford B. Hayes** appointed him the American consul in Kingston, Canada, where he remained until his death in 1905. *See also* Black Politicians; Ku Klux Klan; Military Reconstruction Acts; Patronage; Race Riots; Union League of America; U.S. Army and Reconstruction; Violence.

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*Ted Tunnell*

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## Union League of America

The Union League, or Loyal League, was the Republican Party's organizational vehicle for mobilizing the **African American** vote during the early phases of Reconstruction. It also served to empower plantation laborers against slavlike conditions.

The League originated during the Civil War as a northern patriotic organization backing the **Lincoln** administration. A clandestine body, it had a ritual featuring oaths to support loyal candidates. After Appomattox, the **patronage** officials running the Union League turned their attention to the former Confederate states. It initially secured a following among white Unionists, and absorbed local networks of draft resisters and anti-Confederate groups like North Carolina's "Red Strings." Concentrated in the up-county, the league became the political expression of the most intransigent white opponents of **Presidential Reconstruction**. With enactment of the **Military Reconstruction Acts** in March 1867, congressional Republicans utilized this existing organization to appeal to the newly enfranchised freedmen.

Agents from the **Bureau of Refugees, Freedmen, and Abandoned Lands**, northern missionaries, native Unionists, and other activists swore in vast numbers of rural freedpeople. Though whites were the prominent organizers—either **carpetbaggers** from the North or Unionist **scalawags**—local leadership was often African American. League speakers offered basic instruction on politics and voting. It proved difficult for opponents to interdict the technique of holding meetings at secluded locations at night. An explosive politicization of the freedpeople resulted in the summer and fall of 1867, as hundreds of thousands reportedly flocked to league councils and similar local groups. Although the formal organization had narrow political goals, leagues

also generated martial drilling and other spontaneous militant actions throughout the countryside.

The mobilization of the freedpeople had social roots in the plantation crisis. After **emancipation**, large landowners resumed production under slaverylike conditions. In the leading crop of cotton, these included gang labor, tight supervision under overseers, women and children in the workforce, and even physical coercion if possible. The **Black Codes** wrote these practices into law. The freedpeople resisted, resulting in disastrous crops in the years after the war. Enfranchisement thus came at a crucial moment, as the centralized plantation system gave way to decentralized tenant farming—especially family-based “**sharecropping**.” Labor force frustration with attempts to reimpose forced servitude fed insurgency, and the politicization of the freedmen in turn undermined centralized management. The league mobilization thus likely influenced the timing, at least, of the transition to tenant farming.

The league mobilized virtually the entire male black population, and thus it contributed to the speedy approval of Reconstruction constitutions in most of the southern states operating under the Military Reconstruction Acts. **Readmission** soon followed, as did state governments dominated by white and black Republicans. This success brought backlash, and the organization suffered terribly with the appearance of the terrorist **Ku Klux Klan** and its offshoots in early 1868. With white **violence** on the rise and the promise of federal assistance in the offing, the league’s Republican sponsors concluded that the secret organization had served its purpose. Vestiges of the organization survived locally and as a paper organization at the national level through the 1880s. While transient, the Union League had tremendous political and economic effects: it created a tradition of Republican voting, and it also encouraged lasting changes in the plantation system. *See also* Abolition of Slavery; Agriculture; Black Suffrage; Congressional Reconstruction; Constitutional Conventions; Contracts; Democratic Party; Disfranchisement; Enforcement Acts (1870, 1871); Fifteenth Amendment; Freedmen’s Relief Societies; Labor Systems; Militia; Suffrage; U.S. Army and Reconstruction.

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**United States Colored Troops (U.S.C.T.).** *See* Black Troops (U.S.C.T.) in the Occupied South.

### ***United States v. Cruikshank* (1876)**

*United States v. Cruikshank*, 92 U.S. 542 (1876), was one of the first Reconstruction-era judicial decisions to limit the reach of the three amendments added to the **U.S. Constitution** after the Civil War. It reflected the **Supreme Court’s** respect for state-based federalism and its growing concern with expanded federal powers under the amendments.

Congress passed four **Enforcement Acts** in 1870 and 1871 to deal with intimidation of and **violence** against blacks. The statutes were based on the **Fourteenth** and **Fifteenth Amendments** and prohibited types of private as well as state action. Under the new laws, federal marshals and troops arrested hundreds, but the violence against blacks and their white Republican supporters continued in many areas of the South. In **Louisiana**, violence was common. The single bloodiest day of Reconstruction occurred there on Easter Sunday in 1873, providing the fact situation that led to *United States v. Cruikshank*.

Colfax, located in Grant Parish about 300 miles northwest of New Orleans, was the site of a dispute between rival officeholders. The dispute increased the county's racial tensions as whites increasingly feared that blacks, with growing political strength in a parish that had an equal number of blacks and whites, were planning to take over the courthouse and kill whites. In April 1873, whites attacked and killed more than 100 blacks who were guarding the building; the attackers fired into the courthouse where they had taken refuge, setting the building on fire, and shooting blacks who fled or surrendered. Federal troops arrested many attackers, and dozens were indicted under the Enforcement Act of May 31, 1870. After a mistrial, three attackers were convicted in federal circuit court of violating section 6, the provision that prohibited conspiracies to deny the constitutional rights of citizens. Among the three was William Cruikshank, who appealed his conviction for denying the victims their right to assembly, to bear arms, and to receive the equal protection of the laws and due process, rights covered in the First, Fourth, and Fourteenth Amendments, respectively.

In the circuit court case *United States v. Cruikshank* (1874), Justice Joseph P. Bradley broadly read the power given to Congress in section 2 of the **Thirteenth Amendment** to enforce the amendment's prohibition of slavery, but he held that Congress could act against private individuals only if they were motivated by race. Because his ruling differed from that of the other circuit court member, the trial judge from the case, the dispute went to the Supreme Court.

The opinion issued by Chief Justice Morrison R. Waite for the unanimous Supreme Court (including Bradley) two years later focused on the indictments, declaring them to be defective, and announced that the defendants should not have been tried under the Enforcement Act. The Court ruled that the Fourteenth Amendment had "add[ed] nothing to the rights of one citizen as against another." The rights that Cruikshank was accused of violating were protected from limitation by the national government; they were not restrictions on private citizens or on states. Specifically, the Fourteenth Amendment limited the actions of states, not of private individuals. Murder by a mob or private army was not state action. Despite the amendment, racially motivated murder by an individual was still murder, a state crime, and still punishable only by the state. Thus, such crimes could not be covered by an Enforcement Act growing out of the Fourteenth Amendment. Waite's majority opinion also asserted that the conspirators had not violated the Fifteenth Amendment because their victims' race was not alleged to have been a factor in the defendants' actions.

In the companion case *United States v. Reese*, the Court emphasized the general impact of its interpretation of the Reconstruction amendments. As in *Cruikshank*, the Court limited the scope of federal power. Under the Fifteenth Amendment's enforcement section, the national government could not act to stop state-imposed restrictions on **suffrage** if these restrictions were not based on race. The Court, therefore, held that sections of the Enforcement Act of 1870 were too broad and vague. *See also* Ku Klux Klan; Race Riots; Violence.

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Claudine L. Ferrell

## U.S. Army and Reconstruction

The army's roles and involvement in Reconstruction produced controversy throughout the 1860s and 1870s.

As the Civil War ended, the Union army's soldiers and officers found themselves scattered unevenly throughout the former Confederate states. More than one million men had served in the Union's volunteer army, greatly outnumbering approximately 16,000 members of the regular army on duty in 1860. Naturally, in the summer of 1865, most northern volunteers wanted to return home as soon as possible, and their representatives in the U.S. Congress obliged them. Between June and December 1865, in a remarkable and swift mustering out, most of the federal volunteers were dismissed from service, leaving less than 200,000 soldiers in the army. Demobilization continued, but one of the points of controversy was the size of the army. By 1867, only about 60,000 men, all regulars, were in the army, and by 1870, the number was reduced to 37,000. Of course, the size of the army related directly to the number of posts the army would maintain and the kinds of influence the army might exercise near those posts, especially in the South.

Another controversy was the Republicans' decision to enlist **African American** soldiers to serve in the regular army. In July 1866, Congress authorized for the first time in American history that black men could serve in segregated army units in peacetime. The black regiments would be led by white officers but have black sergeants and enlisted men. At first, Congress appropriated funds for six black regiments, four of infantry and two cavalry, later reduced to two each of infantry and cavalry. Recruiting and posting those black units in the South made most white southerners uncomfortable, and African Americans in army uniforms were a reminder of social changes—soon including admitting a few black cadets to the U.S. Military Academy at West Point. By the 1870s, the black regiments had been shifted to the Trans-Mississippi region, where they served with distinction. No matter if the soldiers were black or white, during the 1860s and 1870s, Americans debated if the army had enough soldiers to fulfill its multiple duties of defending the seacoasts, patrolling the western states and territories, fighting Indians, and conducting Reconstruction in the South.

As soon as the Civil War began, members of the U.S. Congress had debated the ways to reunite the nation, variously called “Restoration” or “Reconstruction.” During the war, President **Abraham Lincoln** had established pro-Union state governments in **Virginia, Tennessee, Arkansas, and Louisiana**, appointing **military governors** to administer them. In 1865, U.S. government leaders had to decide which federal agencies might carry out the administrative duties of Reconstruction in the former Confederacy. Primary possibilities included agents of the U.S. Treasury Department, employees of the U.S. Justice Department (including a handful of federal marshals), and the army. Adding to the list, Republicans in Congress passed a bill in March to create an experimental organization for one year, the **Bureau of Refugees, Freedmen, and Abandoned Lands**, to assist the former slaves, and Lincoln had signed the bill into law. Many of the bureau’s agents were Union volunteer army officers waiting to be mustered out. Other bureau agents, still wearing their army uniforms, were former Union officers who elected to stay in the South to assist in Reconstruction. Therefore, the process of Reconstruction took on a military flavor, naturally aggravating some white southerners, who were aware of the important American tradition that expected the military to remain out of politics. For the next seven years, the entire time the Freedmen’s Bureau existed, General **Oliver O. Howard** served as its commissioner and other regular army officers held the subordinate assignments as assistant commissioners, administering the bureau’s activities in the southern states, another a link between the army, social change, and the process of Reconstruction.

In 1865 and 1866, soldiers still on active duty also became caught up in practical matters of reunion and physical rebuilding in the South. After the collapse of the Confederacy, many state and local offices were vacant, government services were not operating, roads and bridges had been damaged or fallen into disrepair, and **railroads** were not running, leaving state economies in a shambles. Army officers made ad hoc decisions to rebuild roads and bridges, reopen or establish public schools—including ones for freedmen—and authorize the operation of major businesses, such as banks and railroads. In some cases, army officers operated banks and railroads until their owners could be found or new owners acquired them. Where local and state officeholders remained in place, the army dealt with them, but elsewhere army officers performed the functions of vacant offices until elections could be held or new appointments were made. Some of these steps were covered under the provisions of General Order No. 100, a set of guidelines issued by the U.S. War Department in 1863, though everyone was uncertain if the order still applied when the fighting stopped.

From the summer of 1865 to the end of 1866, President **Andrew Johnson** created new state governments to supplement Lincoln’s wartime governments, but he and Republican leaders in Congress disagreed on matters related to Reconstruction. Disagreements included rechartering the Freedmen’s Bureau, passing the **Civil Rights Act**, and approving the proposed **Fourteenth Amendment** to the **U.S. Constitution**. In addition, a number of violent incidents took place in the South, especially riots in Memphis and New Orleans, leading most Republicans to conclude that Johnson’s plan of



Reconstruction was ineffective. Therefore, congressional Republicans passed the **Military Reconstruction Acts** and then overrode Johnson's vetoes of those bills to put the measures into law.

The Military Reconstruction Acts placed much of the responsibility for carrying out Reconstruction on the army in ten of the former Confederate states that were divided into five military districts. President Johnson appointed five senior generals as district commanders, but how he later removed or reassigned them raised new controversy. Furthermore, those military districts were unique in American history; in them, the generals supervised the steps that states were required to take leading toward regaining their representation in Congress. The army's instrumental role in supervising these steps once again drew the ire of critics, including Democrats in the North and most former Confederates, who decried the army's intrusion into politics—especially the capability under the Reconstruction Acts of army generals to remove civilians from office and appoint their replacements. It was ironic that Congress called on the army to carry out much of the process of Reconstruction because most of the senior officers could be classified as politically moderate or conservative. Of the leading generals, some, including **Philip H. Sheridan**, **Joseph J. Reynolds**, **John Pope**, and **Daniel E. Sickles**, were considered or accused by Democrats of being “radicals.” By contrast, other generals, including **Winfield S. Hancock**, **John M. Schofield**, **E.R.S. Canby**, E.O.C. Ord, George G. Meade, Irvin McDowell, and **William T. Sherman** appeared moderate or conservative. Notably, when serving as the army's general in chief, Sherman criticized or opposed most of the Republicans' goals and objectives. On the other hand, while he was in uniform, General **Ulysses S. Grant** adhered closely to the spirit of the Reconstruction Acts before he was elected president in 1868.

From the passage of the Military Reconstruction Acts to the **readmission** of the former Confederate states, the army carried the burden of Reconstruction. The generals and their subordinate officers, supported by several regiments of soldiers, registered voters (including freedmen), supervised elections, called for **constitutional conventions**, guarded those conventions, and later guarded new state legislatures. The district commanders also removed numerous public officials, including state governors and other politicians, and appointed new men in their place and well as decided the validity of elections. By 1870, most of the former Confederate states had completed the terms of the Military Reconstruction Acts and gained the admission of their senators and representatives in the U.S. Congress.

During the 1870s, federal marshals or federal prosecutors contributed in important ways to fulfilling the steps of Reconstruction. The army, though no longer operating under the provisions of the Military Reconstruction Acts, which had expired, remained attentive to matters related to protecting the rights of freedmen and southern Republicans. U.S. marshals arrested and then federal attorneys charged and prosecuted persons accused of violating federal laws, usually involving crimes violating the civil or political rights of freedmen and Republicans in the South. Soldiers acted as a “posse comitatus” for marshals who needed the army's help to serve arrest warrants. The army appeared to be especially active in assisting marshals and prosecutors in South Carolina

in suppressing the **Ku Klux Klan**. In other former Confederate states, army units tried to counteract persons opposed to Reconstruction, such as **gun clubs**, **White Leagues**, and Knights of the White Camellia, groups that almost seemed to employ a low level of guerrilla warfare against Republicans in the South. Anti-Reconstruction groups threatened or used violence against white and black Republicans, including local and state officeholders, businessmen, and schoolteachers. During elections, the army patrolled some streets and roads to discourage intimidation of voters and guarded ballot boxes to prevent vote fraud. While Democrats and former Confederates contended that federal “bayonet rule” dominated the South, the army was spread too thin across the South to stop Reconstruction’s opponents everywhere. Nevertheless, the army made the effort to protect citizens’ rights under federal laws, especially when state authorities or state **militias** were unreliable or unavailable. The army continued to garrison forts, arsenals, and barracks in the South, where its units had been stationed before the Civil War.

The presidential **election of 1876** produced a contested result between the supporters of Democratic candidate **Samuel J. Tilden** and Republican candidate **Rutherford B. Hayes**. By 1876, only three former Confederate states still had Republican governments—**South Carolina**, Louisiana, and **Florida**—and the army in the South was limited to a few posts, mostly on the coasts or near state capitals. Democrats, North and South, contended that the army unfairly intruded in politics by propping up the last southern Republican governments in opposition to the will of “the people,” though in two of the states, Louisiana and South Carolina, African Americans formed 50 percent or more of the population. To resolve the contested election, Congress established an extraordinary **Electoral Commission**. It ruled in favor of Hayes. As part of the so-called **Compromise of 1877**, Hayes and his advisors arranged to withhold any army support from Republicans who claimed to have won the governorships in the contested states, but Hayes did not withdraw all soldiers from Louisiana, South Carolina, or Florida, or the rest of the South.

As Reconstruction drew to a close, the army’s status and roles remained contentious. In February 1877, members of Congress could not agree on the terms of the federal budget, including appropriations for the army. Some Democrats appeared to hope that if Congress had not passed a budget, therefore the soldiers would not be paid, and perhaps they would not respond to the president’s orders. Thus, some assumed that Hayes could be prevented from using the army to support Republicans in the South. Although it took longer than usual for both houses to approve a budget, the army remained intact and ready to act on the president’s orders. Recalling the many times that army units had marched through the streets and guarded polling places during southern elections, in 1878, Democrats raised the prospect the African American regiments might be dissolved, but Republicans turned the idea aside. Meanwhile, the Democrats assembled the votes needed to pass the Posse Comitatus Act, prohibiting the army’s direct involvement in “executing the laws” without the express authorization of Congress. In effect since 1878, this long-standing federal law reflected the residue of the Democrats’ bitterness against the variety of actions that the army had taken in the South during

the previous seventeen years. *See also* Command of the Army Act; Memphis Riot; New Orleans Riot.

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*Joseph G. Dawson III*

## U.S. Constitution

Reconstruction both profoundly affected the U.S. Constitution and was affected by it. Americans recognized that Reconstruction involved profound constitutional issues—the status of the defeated South, the definition of citizenship and its rights, and the power of the federal government to protect those rights. Arguments over Reconstruction policy were consistently made in constitutional terms. Rarely have Americans so consciously engaged in constitutional politics—that is, political conflict that turned on how Americans construed the Constitution and how they wanted to change it.

Prior to the Civil War, the federal laws as well as judicial interpretation had gone so far to accommodate slavery that observers could justly say that the Constitution had become a proslavery document. At the same time, Americans had disagreed radically about the nature of the federal Union—some arguing that the United States was a nation with power divided between state governments and a central government, while others argued that it was a confederacy of sovereign states, with the central government merely acting upon their behalf.

The Civil War established that the United States was in fact a nation, discrediting the state-sovereignty doctrine of federalism. It did not, however, settle the question of where the boundary lay between state and federal jurisdiction and how to determine it. Those advocating expansive national power and those advocating strict attention to state rights continued to disagree. This was a major issue during Reconstruction and after. Reconstruction also transformed the Constitution from a document accommodating slavery into a document dedicated to freedom.

These near-revolutionary changes were embodied in the **Thirteenth**, **Fourteenth**, and **Fifteenth Amendments**, as well as the legislation Congress passed to enforce them. However, within the framework of this great transformation, all but the most **radical Republican** legislators and judges still wanted to preserve the federal system in which government authority was

divided between the state governments and the national government. This desire to maintain the federal system came into tension with Republicans' desire to protect the rights of **African Americans** and their allies in the South, leading to a political reaction and **Supreme Court** decisions that limited federal power to protect citizens' rights. By the end of Reconstruction, the constitutional transformation occasioned by the Civil War and Reconstruction was minimized.

The first great constitutional issues of Reconstruction were the status of the defeated southern states and the mechanism by which they should be restored to normal relations in the Union. During the war, most northern Democrats, strong believers in state rights, treated secession as a fact and hoped that the southern states themselves would return to the Union. With the collapse of the Confederacy in 1865, however, most Democrats endorsed the Reconstruction program promulgated by **Andrew Johnson**, whom **Lincoln's assassination** had elevated to the presidency just as the last southern armies surrendered.

Johnson viewed the military occupation of the South and its restoration to normal relations in the Union as within the purview of the president as commander in chief of the armed forces. Until they were restored, southerners were subject to the constitutional war powers of the nation, and as commander in chief, it was the president, Johnson believed, who was the logical person to exercise them. President Lincoln had taken a similar position, going so far as to issue the **Emancipation Proclamation** as an exercise of presidential war powers, but there was one critical difference. Lincoln never denied Congress's authority to override his decisions, although he had very effectively used his political influence to prevent it. Johnson thought the power to set the terms of restoration was his alone.

Johnson required southerners to hold **constitutional conventions** to re-establish loyal state governments. He insisted that the conventions formally declare their state secession ordinances null and void, repudiate the debts incurred in waging the rebellion, and abolish slavery in new constitutions. Then they could elect state officers and representatives to Congress. When each state ratified the Thirteenth Amendment that abolished slavery throughout the United States, the president would consider it entitled to restoration of its rights in the Union.

Crucially, Johnson's policy said nothing about the status of African Americans. The effect was to leave intact the holding of the Dred Scott case that black people were not American citizens. A former Jacksonian Democrat, deeply committed to state rights and sharing southerners' racial attitudes, Johnson's program empowered the white citizens of each southern state to decide whether to accord them the rights of state citizenship. Acting while Congress was adjourned, most of the southern states had met Johnson's conditions by the time it reconvened in December 1865. New state governments were in place, and southern representatives and senators were ready to take their seats in Congress.

Republican leaders in Congress did not accept Johnson's policy nor concede his sole authority to establish it. They refused to seat southern congressmen-elect and formally resolved that the southern states could be restored to

normal relations only by a resolution of Congress. Republicans disagreed, however, over the constitutional status of the southern states. Some of the most radical argued that the states had ceased to exist. Radical Republican senator **Charles Sumner** of Massachusetts called secession “state suicide.” He and others insisted that the provision of Article IV of the Constitution, which obligated the United States to guarantee each state a republican form of government, authorized Congress to reestablish southern state governments and required the extension of the right to vote to black men. Other Radicals, like **Thaddeus Stevens**, argued that the southern states had been reduced to conquered territories and could be governed directly under the power that Article IV delegated to Congress to make rules and regulations for U.S. territories. Others spoke of “forfeit rights” that could be reactivated only when southerners met conditions that would lead the federal government to release them from “the grasp of war.”

Republicans’ resolve was reinforced when many of the southern states passed laws limiting the rights of their black residents—in some cases, very severely. To counteract these laws, as well as long-standing oppressive customs, Congress passed a Civil Rights Act over the veto of President Johnson, who insisted that it violated the rights of the states to decide the status and privileges of their own residents. The **Civil Rights Act of 1866** declared all persons born in the United States, except for Indians who remained under tribal authority, to be citizens of the United States and of their states, and it forbade discrimination in their property rights and the administration of the civil and criminal law.

Johnson, congressional Democrats, and a few Republicans denied that the Constitution authorized Congress to pass such a law. Some Republicans responded that it was justified by the provision of Article IV that guaranteed the citizens of each state the “privileges and immunities of citizens in the several states,” but most claimed that it was authorized by the second clause of the Thirteenth Amendment, which empowered Congress to pass appropriate laws to secure the **abolition of slavery**.

To bring the issue squarely before the people, Republicans proposed a Fourteenth Amendment to the Constitution. Its first section repeated the Civil Rights Act’s definition of national and state citizenship and forbade states from abridging the rights of citizens of the United States; depriving any person life, liberty, or property without due process of law; or denying anyone the equal protection of the laws. Other sections reduced representation in Congress and the Electoral College if states deprived adult men of the vote, disqualified former Confederates from state and federal office if they had held such offices before supporting the South in the war, and guaranteed the national debt while repudiating debts incurred in support of the rebellion. A final section gave Congress the power to enforce the amendment “by appropriate legislation.”

Johnson, the **Democratic Party**, and a small number of Republicans denounced these measures as revolutionizing the federal system. Insisting that the Founding Fathers had established a “white man’s government,” they warned that the Republican leaders in Congress intended to enfranchise African Americans, but in the congressional **elections of 1866**, northern

voters overwhelmingly reelected Republicans to the national legislature, affirming their support for the amendment and the transformation in American constitutionalism that it represented.

Nonetheless, the southern states, encouraged by Johnson, refused to ratify the proposed amendment. To avoid a stalemate, Congress passed a series of Reconstruction Acts in 1867 and 1868, declaring the Johnson-created state governments provisional, putting them under military control, and ordering new constitutional conventions elected by black and white voters to reconstruct southern state governments. Johnson and his Democratic allies charged that the Reconstruction Act represented a massive violation of state rights, but Congress blocked his efforts to obstruct its enforcement by impeaching him. The Supreme Court refused to hear challenges to the law on the grounds that the issue was a political question beyond judicial power to intervene.

Congress's response to President Johnson's obstructionism raised fundamental constitutional issues. To prevent the president from removing government officials who disagreed with his policies, Congress passed the **Tenure of Office Act** in 1867. It extended the terms of all officeholders until the Senate confirmed the appointment of their successors, with the exception of **cabinet** members, whose terms would end one month after the term of the president who appointed them. President Johnson vetoed the measure as unconstitutional, but Congress overrode his objections. Congress also passed laws limiting the president's authority to reassign the commander of the army (**Ulysses S. Grant** at the time) and to give orders directly to military subordinates.

The efforts to control Johnson culminated in his **impeachment** in February 1868, after he fired Secretary of War **Edwin M. Stanton** in apparent violation of the Tenure of Office Act. He was tried before the Senate from March through June. While the impeachment was Congress's defensive response to Johnson's aggressive use of presidential power, many congressmen did take the view that the president's responsibility for enforcing laws was subordinate to Congress's responsibility for making them. It is possible that Johnson's conviction would have led to a significant increase in congressional power and a diminution of that of the president. However, the Senate failed to convict by one vote. Johnson's successor, Ulysses S. Grant, was a strong president by prewar standards, but no president until Theodore Roosevelt would come close to using the power of the presidency as expansively as Lincoln and Johnson had done during the Civil War and Reconstruction.

With Johnson ceasing his obstruction during the impeachment trial, the requisite number of states ratified the Fourteenth Amendment in 1868, including most of the reconstructed southern states, which were thereupon restored to normal relations in the Union. The constitutional transformation of the Civil War era culminated in 1870, with the ratification of the Fifteenth Amendment, which barred states from discriminating in voting on account of race, color, or previous status as a slave. The Dred Scott decision's exclusion of African Americans from the American political community was now completely reversed. Moreover, like the Fourteenth Amendment, the Fifteenth authorized "appropriate" congressional legislation to enforce it. From a government powerless to protect the rights of its citizens against state discrimination and

oppression, the federal government had explicitly become the protector of those rights. Congress passed laws allowing people to transfer cases to federal courts if they could not secure their rights in state courts and passed other laws punishing those who deprived people of rights under color of state law or even as individuals.

Legal scholars have intensely debated exactly how Americans understood the constitutional amendments they ratified during the Reconstruction era, because many of them believe that their understanding dictates how to enforce the provisions today. It appears clear that the Republicans who managed the consideration of the Fourteenth Amendment in Congress thought that the privileges and immunities of U.S. citizens included the liberties listed in the Bill of Rights. However, it is not nearly so clear that most Americans understood the amendment that way as they ratified it, even though Congress made it illegal for state officials and private individuals to deprive people of some of the rights specified in the Bill of Rights soon thereafter.

The actions of Congress and state legislatures also indicate that Americans did not think that the amendment forbade racially segregated education, at least as long as facilities were equal. However, passage of the **Civil Rights Act of 1875**, which banned segregation in schools, transportation, inns, and other facilities serving the public, indicate that the framers thought the Fourteenth Amendment authorized Congress to ban segregation to carry out its provisions.

Finally, the laws Congress passed to enforce the Fourteenth Amendment suggest that contemporaries believed that its equal protection clause authorized Congress to act against private individuals who infringed people's civil rights when the states failed to do so. Likewise, congressional enforcement statutes indicated that the Fifteenth Amendment authorized Congress to protect voting rights against the efforts of private individuals to deny them, despite the amendment's "no state shall" phraseology.

At the same time, it is clear that Republicans did not want to revolutionize the federal system completely when they ratified the Reconstruction amendments. They still wanted states to retain the primary responsibility for protecting one citizen from another; they did not want the federal government to take responsibility for the ordinary legislation that governed citizens' daily conduct.

Although the amendments were framed in general terms, their framers were most concerned with protecting the rights of African Americans. They wanted black Americans to be subject to the same laws and receive the same protection as whites; they did not want to specify exactly what those rights were. To maintain their political support, Republicans stressed this conservative aspect of their program even as it transformed the constitutional system.

The consequence was that Americans were not prepared for the potentially revolutionary alteration of federal power inherent in the amendments and in expansive interpretations of constitutional provisions during Reconstruction. They reacted against federal policing of state elections, the use of soldiers to enforce the laws protecting citizens' civil and political rights, and the intrusiveness of the Civil Rights Act of 1875.

The Supreme Court faced the revolutionary potential of the Fourteenth Amendment in the *Slaughterhouse Cases* of 1873, in which New Orleans

butchers claimed that a New Orleans health regulation deprived them of their rights as citizens freely to engage in their profession. If the Court agreed that such laws could be construed to affect rights protected by the Fourteenth Amendment, both it and Congress would be able to second-guess almost any state regulation. Rather than see such an expansion of federal authority, the majority of the justices construed the rights of U.S. citizens narrowly, differentiating them from the rights of state citizens and limiting federal protection to the latter. In *United States v. Cruikshank* (1876) and *Hurtado v. California* (1884), the Court indicated that the Fourteenth Amendment did not protect the same liberties as the Bill of Rights. In the *Civil Rights Cases* (1883), the Court ruled that the Fourteenth Amendment applied only to state action and not private individuals' infringements of rights. In the 1896 case *Plessy v. Ferguson*, the Court confirmed that the amendment did not forbid states from enforcing racial segregation.

With regard to the Fifteenth Amendment, the court ruled that the federal government could only punish crimes against voters in state elections when they were motivated by race. After some hesitation, the Court ultimately held that the Fifteenth Amendment, like the Fourteenth, applied only to state action, not to that of private individuals.

Despite the conservative reaction to the potential of the Reconstruction amendments, they did transform the American constitutional system from one protecting slavery to one protecting individual freedom. The change would be felt most strongly in the protection of property rights in the late nineteenth and early twentieth centuries. By the middle of the twentieth century, however, the Fourteenth and Fifteenth Amendments would provide the constitutional foundation for the great civil rights movements that brought the constitutional transformation of the Reconstruction era to fruition. *See also* Chase, Salmon Portland; Command of the Army Act; Enforcement Act (1875); Enforcement Acts (1870, 1871); Jim Crow Laws; Presidential Reconstruction.

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# V

## Vagrancy

After the **abolition of slavery**, many former slaves declined to work for their former owners, even with the promise of payment. Some freedpeople believed the government would give them land, so that they could work for themselves, while others left for the cities or other places far removed from where they had been enslaved. During the period of **Presidential Reconstruction** (1865–1867), state legislatures in the South, under the control of planters and former Confederates, criminalized this refusal to work as “vagrancy.”

Antivagrancy provisions became an integral part of the **Black Codes**, legislation that sought to define the status of former slaves in the early days of Reconstruction. These did not materialize overnight, and some of the components, including the need to work, derived from arrangements made during military occupation. Federal forces found themselves overrun by escaped slaves and so-called **contraband** during the war and its immediate aftermath, and imposed many strict rules on the freedpeople to maintain order. Certainly, a racist attitude toward blacks and the white assumption that blacks did not work unless coerced played into this as well. The Black Codes took these themes and developed them far more fully. While the Black Codes allowed freedpeople to marry legally, own property, enter into **contracts**, sue and be sued, and testify in court (except against whites), they also sought to keep the preemancipation labor force locked into menial employment. The codes restricted black people to plantation labor or domestic service by requiring persons interested in other occupations to post bonds (which were deliberately prohibitively expensive), ostensibly to guarantee their good behavior but in reality to limit their employment options. These laws also made it illegal for blacks not to work—women as well as men. Persons refusing “reasonable”

employment could be arrested for vagrancy, imprisoned, and fined, and their labor services auctioned off to the highest bidder. If this occurred, their dependents or children would be sent off to “sponsors” for care, and if they were old enough, they would be apprenticed to a useful trade. Of course, whites needing labor were the sponsors, and whites would determine the appropriate trade. In order to avoid these unfortunate consequences, **African Americans** had to possess and be prepared to present written proof of employment, usually an annual contract signed by a planter or Freedmen’s Bureau agent.

While mostly pertaining to the refusal of labor, the concept of vagrancy during **Presidential Reconstruction** could include not only perceived idleness but also any sort of disorderly or subversive behavior that threatened the traditional racial order of the South. Idle blacks could become restless and dangerous, and in large numbers could pose real threats to whites—even the specter of race war. Keeping blacks employed was the most effective way to restart the economy, reestablish a sense of black inferiority, and promote social order. Believing blacks to be lazy troublemakers when left uncontrolled, white southerners sought to guarantee white supremacy by outlawing vagrancy.

These artificial efforts failed because the Black Codes, and the vagrancy provisions, clashed with the free labor ideas of northerners, especially those aligned with the **Radical Republicans**. While many white northerners wanted to preserve plantation **agriculture**, they also wanted to replace its coercive **labor system** with voluntary, paid labor. Hence, they objected to the Black Codes, particularly the prosecution of blacks who refused to work as a violation of the capitalist, free market, free labor idea. Theoretically, anyone is completely free to not work, just as they are then free to be poor, homeless, and hungry. To northern Republicans, nature would take its course and, as long as deliberate obstacles were not set in place, a new labor system would develop in the South. Republicans believed the ability of persons, including former slaves, to enter freely into labor contracts as almost sacred, and a change that would help the plantation economy function more efficiently as black persons were induced freely to return to it (again, despite the fact that some northern occupation authorities acted as coercively as white southerners toward idle blacks).

Once Republicans gained the upper hand in government and Congress became able to override President **Andrew Johnson’s** vetoes, the Black Codes were doomed. First the passage of the **Civil Rights Act (1866)**, and then the advent of **Congressional Reconstruction** and the **Fourteenth Amendment** set aside the codes and opened the door for **black suffrage** and political power. For a short time at least, these developments invalidated the attempts by white conservatives to stunt economic and civil freedoms, and set the stage for the expansion of **sharecropping** and other labor systems in the South that were based on market forces and implicit compromises between black workers and white landowners. *See also* Amnesty Proclamations; Bureau of Refugees, Freedmen, and Abandoned Lands; Confiscation Acts; Field Order No. 15; Freedmen’s Relief Societies; New South;

Sumner, Charles; Stevens, Thaddeus; Union League of America; U.S. Army and Reconstruction.

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## Violence

Most histories of Reconstruction celebrate the era. They laud the **Fourteenth Amendment**, added to the **U.S. Constitution** in 1868, for affording **African Americans** citizenship, and all Americans equality before the law. Similarly, accounts hail the **Fifteenth Amendment**, ratified in 1870, because it admitted African Americans to political power through **suffrage** (voting rights). In addition, many writers remind readers that the **Civil Rights Act of 1866** and the **Civil Rights Act of 1875** provided worthy blueprints for legislation nearly ninety years later.

The same age that so elevated the human condition, however, also introduced an amount of domestic terrorism unmatched in U.S. history. During much of Reconstruction, white supremacist violence was nearly omnipresent across Dixie. Significantly, the savagery did not cease with **Redemption**. Indeed, until the mid-twentieth century, southern blacks lived under a threat—clear, daily, and permanent.

### *Antebellum Traditions and Postwar Change*

The potential violence blacks faced began in the human heart. Of all the calamities the region suffered, none alarmed conservative southern whites more than Reconstruction’s implied promise of racial equality. Military defeat at least ended open combat and the wholesale destruction of white-owned property. Union army occupation proved less harsh than one might have expected. White northern troops were relatively few in number, and did not attempt to mix socially with the locals. By contrast, **emancipation** and **abolition** provided challenges to white supremacy that shook southern civilization’s very foundations. The racial equality ethos entered a martial society, where the specter of slave rebellion had been constantly stressed to virtually all white males. Whites could not easily abandon fears that their elders, families, and leaders had painstakingly inculcated since childhood.

Unable to save slavery, they resisted African American attempts at full equality. Whereas the peculiar institution had directly benefited only a minority of the Caucasian population, white supremacy offered elevated status to even the impecunious, illiterate, and untrained. Keeping blacks at an inferior level guaranteed economic power and a social “mudsill” that stayed beneath even the poorest white. Across the South, native whites launched a campaign that promised ghastly violence to anyone bringing the region social progress.

### *Violence during Presidential Reconstruction*

Following defeat and abolition, white conservatives tried their best to reclaim what they could of their antebellum world. With the death of President **Abraham Lincoln**, they found an ally in the White House with **Andrew Johnson**. His lenient treatment of former Confederates and indifference toward the freedpeople left both parties to their own designs. State governments offered no protection to blacks, and the passing of **Black Codes** by legislatures set the tone of hostility and white supremacy. Not surprisingly, violence soon followed. The chief target of the reactionaries was always the African American population. Massive **race riots** proved the most spectacular manifestations of southern white resistance to change. Although in a few cases freedpersons initiated the violence, whites started the vast majority of altercations. Reconstruction-era race riots bore little resemblance to late-twentieth-century urban uprisings. Instead, the confrontations of the 1860s and 1870s featured mass armed invasions into black communities, and attempts to destroy virtually every black self-help institution.

During the summer of 1866, white mobs killed nearly 100 African Americans in Memphis, **Tennessee**, and New Orleans, **Louisiana**. Another 225 blacks were severely injured, and damage to hard-earned black property totaled millions of nineteenth-century dollars. These pogroms did much to alienate the northern public from President Andrew Johnson's lax Reconstruction policies and racist indifference to black suffering. The presence of the Freedmen's Bureau and the **Union Leagues** offered meager protection. Partly in response to the aggression by southern whites and apathy of the executive, in the autumn of 1866, northern voters sent **Radical Republicans**



A woodcut from *Harper's Weekly* of a riot in Carlestown, South Carolina, June 24, 1866. (Courtesy of the Library of Congress.)

to Congress in unprecedented numbers. Within a year, Congress directed Reconstruction policy, and the Republican Party appeared in the South for the first time. It consolidated its base among freedpersons and the minority of Unionist whites. Not surprisingly, the region's blacks came to see it as the guarantor of political equality and economic justice. Few could imagine that their emancipators would eventually abandon them.

Receiving far less attention than battles in the big cities were small-town disorders. They did more damage to **civil rights**, however, and more clearly typified southern life during the Reconstruction era. Altercations in Camilla, **Georgia**; Meridian, **Mississippi**; and Opelousas and Colfax, **Louisiana**, constituted major milestones in the white terror campaign. In these locations—and many more—former Confederates struck devastating blows against black political participation. Frays became shoot-outs and then, as poorly armed blacks retreated, merciless slaughters. Whereas northern public opinion had seized upon atrocities in Memphis and New Orleans to demand justice, southern rural clashes prompted far less outrage. As early as the late 1860s, many Yankee voters were beginning to tire of the “everlasting Negro question.”

### *Directed Ferocity: Republicans as Political Targets*

Race riots, though frequent and bloody, were but a small part of Reconstruction violence. Private acts, shrouded in robes, hoods, and masks, took place virtually every night somewhere in the South. Their sheer number made the oppression seem invincible and resistance suicidal.

With the coming of **Congressional Reconstruction** in 1867, the world of southern whites was turned entirely topsy-turvy. Radicals moved well beyond abolition and civil rights, and demanded as the price of **readmission** that blacks have the right to vote. The coming of **black suffrage** to the South and the rise of the southern Republican Party opened a new phase in the history of violence across the South.

By 1870, terrorist organizations existed in nearly every southern state. They used names such as the **Ku Klux Klan**, Knights of the White Camelia, and White Brotherhood. All shared common goals: destroying the Republican Party infrastructure; halting Congressional Reconstruction; driving out northern (“foreign”) invaders; controlling the African American labor force; and restoring the racial hierarchy—white control and black subordination—in all aspects of the region's life. Rapidly, Klan violence was etched permanently into the black community's folk memory.

The white terror utilized nearly every weapon available, but its favorite was the bullwhip. Typically, a gang of white horsemen invaded a victim's cabin after midnight. They dragged him or her (the southern pedestalization of femininity did not protect women—even pregnant ones) into the woods for 100 lashes or more. Gang members usually took turns because their arms would tire in the process. The use of the whip was obvious, for it harkened back to slavery. It resembled the treatment doled out to stubborn farm animals, and was designed to deny the sufferer's humanity. Other Klan punishments included branding, castration, and rape. Some accounts have women who unintentionally gave birth during a beating seeing their infant kicked

to death in an unspeakable sport. Lynching, which most southern whites justified until the 1920s, was a general term for any extralegal killing. It could mean simply riddling a body with bullets. Hanging took more time and generally was converted into a gruesome ceremony. Fire was an additional torture; the percentage of lynching victims burned alive (often slowly) increased after Reconstruction ended. It reached a zenith of nearly 15 percent by 1929. In some ways, the white terror resurrected tortures generally associated with the Middle Ages.

Although Klansmen tortured or killed many African Americans, this was not genocide. The region's plantation economy, which had resisted industrialization adamantly before the Civil War, depended upon a low-cost workforce. Primitive nineteenth-century agricultural methods were highly labor intensive. Additionally, many ranking white supremacists were planters or sons of planters. Surprisingly, the terror did not cause a mass exodus to the North or Canada. Indeed, the South continued to contain more than 90 percent of U.S. blacks until 1910.

Although doubtlessly much Klan violence was random and indiscriminate, one can discern a rough hierarchy of persons the terrorists found offensive. Probably the most hated were blacks who held public office. Historian Eric Foner notes that 10 percent of the African American members of the 1867-1868 state constitutional conventions were later victimized; racists murdered seven of them.

The Republican Party leadership in general provided a target. The region's blacks considered **Abraham Lincoln** a saint and his party their salvation. White supremacists viewed it as an alien, revolutionary organization bent on destroying their entire civilization. In some counties, the Republican Party contained no native whites. Derided as "**scalawags**," southern whites who did embrace the party received threats, whippings, and were driven from their homes; some were assassinated in broad daylight.

### ***Violence: Reinforcing Social Supremacy***

Terrorists also attacked symbols and institutions that represented the new order. In the antebellum period, virtually every slave state had prohibited black **education**. Forced ignorance is a powerful tool of suppression, as it creates the illusion of incapacity and can be used to justify inequality. During Reconstruction, the African American community devoured the opportunity to learn. Conservatives burned African American **churches** and schools, institutions that offered mass uplift, and symbols of freedom and independence. In Georgia, the Klan lynched teachers, male and female, and publicly declared war on any blacks having books in their homes.

The intermarrying of the races also concerned the self-appointed protectors of the white race, so it is not surprising that here, too, violence abounded. Interracial couples, especially where the wife was white, were quite common during the Reconstruction era, more common than the modern public realizes. Such unions threatened the very logic of white supremacy. The night riders, unable to persuade through reason why such "miscegenation" was wrong, used other methods. Again, groups like the Ku Klux Klan sought political

change and targeted political opponents, but these groups were a means to reassert a dying culture; it is not surprising that mixed couples were hunted, attacked, visited in the night, and often brutally assaulted. After Redemption, “antimiscegenation” statutes appeared, prohibiting sex and marriage between whites and persons of color. The **Bourbons** considered such change permanent: Between 1887 and 1940, not a single state repealed these laws.

Despite long odds and no compensation whatever for labor performed under slavery, some industrious freedpersons did prosper and accumulate worldly goods. Their success also undermined stereotypes. White supremacists killed a black **sharecropper** in Mississippi for daring to rise above mere laborer. Even horizontal mobility could exact a price. In **Texas**, blacks seeking to change employers were also victimized. Throughout much of the South, the poisoning of black-owned livestock became common.

The Ku Klux Klan also targeted some nonpolitical whites for aiding blacks. It felt those who aided African Americans deserved the same mistreatment as that accorded persons of color. Caucasians who encouraged black economic autonomy, merchants who purchased the cotton of black tenants, and planters who gave former slaves small plots of their own could expect a harsh whipping. Even **James L. Alcorn**, a future governor of Mississippi, saw several of his plantation’s buildings burned; he had rented land to freedmen. Sometimes, the group punished whites whom it merely considered immoral; thus, even pale skin was no guarantee of safety during the white supremacy era.

Labor historians have stressed the economics of white terror. Before the Civil War, planters provided their field-hand slaves barely enough food to survive, evidently not realizing (or not caring) that malnutrition sapped energy and thereby reduced agricultural production. Emancipation turned free black labor in the South from an anomaly to the norm. The rage planters felt at having to pay for services they had always stolen fueled many Klan attacks. The cheating of black employees became common practice in 1865 and 1866. With the coming of year-end payments and sharecropping, many accounts exist of violent bands driving freedpersons off plantations after the harvest, denying them their share.

Finally among the night riders’ targets were African Americans deemed “impudent.” The term was a convenient catchall for blacks who did not continue practicing the exaggerated etiquette demanded under slavery. Across the South, slaves had been forced to avoid direct eye contact with whites. They had been forced to maintain a downcast countenance and walk with a shuffling gait. They had not been allowed to remain on sidewalks whenever they had met whites traveling in the opposite direction. Removing one’s hat had been mandatory when encountering members of the “master race.” During Reconstruction, white supremacists let all know that blacks who asserted their newly found freedom would not be tolerated.

### ***Demographics: Who Were the Perpetrators?***

Focusing merely on atrocities and victims cannot fully explain the period’s violence, however. Understanding white supremacy’s terrorism requires attention to at least two other elements. Identifying both perpetrators and



enablers can help modern readers understand the paradox of mass racial violence in a society dedicated to expanding individual freedom.

White supremacist terrorists were cowards who usually hid behind disguises and struck the outgunned, the unarmed, and those sound asleep. The perpetrators lacked any sense of dignity or human compassion. No physical hardship could exempt their victims. In **North Carolina**, night riders whipped a 103-year-old woman. In 1871, a **South Carolina** gang attacked a dwarflike crippled man whose physical pain had begun long before Reconstruction. Many histories portray Klansmen as semiliterate poor whites, fearing competition with former slaves for unskilled labor wages. Most such accounts are less untrue than incomplete. Although energetic young farmers and laborers made the raids, their “respectable” elders chose the targets and were not always above attending in a supervisory capacity. Thus, violent white supremacists included planters, professionals, and even preachers. The absence of Christian brotherhood amid the South’s ubiquitous religiosity is striking. In one extreme example, in 1871, practically the entire white population of York County, South Carolina, joined the Klan. That such membership was largely nominal and passive seems unlikely: Eleven murders and hundreds of whippings occurred. Thousands of blacks hid in the woods every night to avoid attacks.

The terrorists found enablers everywhere. Democratic societies ultimately depend on public cooperation with police officials. A majority of southern whites, however, did not consider their local governments legitimate; Republicans—white and black, scalawag and **carpetbagger**—ruled over them. Accordingly, former Confederates created a climate of hate through constantly vilifying Reconstruction. Their words implied a need for direct action. Many prominent Democrats refused to denounce the Klan, minimized its activities, and rationalized its atrocities. The silence of community leaders spoke additional volumes. Outwardly righteous southern women sewed the robes and hoods of night riders.

Traditionally, state governments bear the primary responsibility for upholding the laws. During Reconstruction, Republican state governments in the South found themselves entirely unprepared, and unable, to deal with lawlessness. These progressives were in effect fighting within hostile territory; there were not enough loyal, honest, police or sheriffs to help keep the peace. Who could one trust? Who was in the Klan, and who was not? As a result, some governors created state **militias**, built on African Americans and trusted white Republicans. Almost nowhere, however, was the militia an effective fighting force. Even Republican governors proved reluctant to use an organization composed largely of untrained freedmen to counter veteran Confederates. In fact, the militia proved counterproductive: White violence was in reaction to change and black empowerment. Placing guns in the hands of former slaves could not calm the situation.

With this in mind, for the first time, the federal government took responsibility for enforcing human rights laws within the states. The **Enforcement Act** of 1871 (called the Ku Klux Act, not the Ku Klux *Klan* Act) marked a significant precedent on the road toward suppressing lawlessness and civilizing the South. National authorities could now punish conspiracies against

equal protection of the laws. Military intervention and the suspension of the writ of habeas corpus could be used when milder measures failed. That same year saw a legal offensive begun by Republican U.S. attorney general Amos T. Akerman. His successor, George H. Williams, continued it. Ultimately employing federal troops, they rooted out the South Carolina Klan and produced a dramatic decline in violence across the region.

This dependence on the federal government in Washington proved a mixed blessing. The familiar, depressing story of Reconstruction's decline and fall is tied up as much with the growing indifference in the North as it is with the return of southern white terrorism. In the November 1874 elections, the Republicans lost control of the U.S. House of Representatives. Not since before the Civil War had the Democrats controlled a chamber of Congress. Already begun, this political defeat further encouraged the Republican's steady slide toward a more traditional position on federalism (a division of powers and jurisdiction between the states and the federal government). At the same time, many of the vanguard Radical Republicans and **abolitionists**—the nation's civil rights conscience—were aged and dying. Republican president **Ulysses S. Grant** spent much of his second term dispensing **patronage** to southern Democrats. The **Supreme Court** began issuing decisions that circumscribed national enforcement of **civil rights** laws. Southern Republicanism began to collapse, and northern party members increasingly sought to appease and conciliate the very southern whites who considered compromise unthinkable.

Most historians recoil at suggestions that building on Akerman's and Williams's policies might have been a wiser path. Scholars summarily reject suggestions that Washington Republicans should have sent legions of additional federal troops to the South. Writers still avoid the idea of enrolling thousands of blacks in southern state militias and, if necessary, using martial law to uproot terrorist groups completely. Yet, those who consider such measures draconian minimize the 5,000-plus African Americans murdered in southern riots and lynchings between Reconstruction and the 1950s. It is possible that white supremacy could have been rendered marginal—during the 1870s—had the northern public possessed greater will, courage, and commitment to human equality.

Other historians argue that nineteenth-century government in the United States did not possess enough power to smash white supremacy in the South. Such writers should explain how this supposedly weak government was able to use state militias and federal troops so effectively against the Great Strike of 1877 and during two subsequent decades of extremely bloody labor conflict. That racist violence did not provoke similar national determination was a tragedy of monumental proportions. *See also* Amnesty Proclamations; Black Politicians; Black Troops (U.S.C.T.) in the Occupied South; Bloody Shirt; Brooks-Baxter War; Bureau of Refugees, Freedmen, and Abandoned Lands; Carpetbaggers; Compromise of 1877; Disfranchisement; Enforcement Act (1875); Enforcement Acts (1870, 1871); Forrest, Nathan Bedford; Freedmen's Relief Societies; Gordon, John B.; Gun Clubs; Kirk-Holden War; Shotgun Plan; U.S. Army and Reconstruction; White League.

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James G. Ryan

## Virginia

Reconstruction in Virginia was a quiet affair compared to the upheaval in some other former Confederate states. Unlike elsewhere, Conservative former Confederates controlled the state government without serious challenge as early as the presidency of **Andrew Johnson**. **Congressional Reconstruction** lasted only three years, and conservative whites regained control of the state in early 1870, with less **violence** and intimidation by the **Ku Klux Klan** and similar organizations than in states of the lower South. Likewise, the newly enfranchised **African Americans** rarely resorted to violent means, preferring to exercise their new rights and enjoy their freedom by staying within traditional bounds of political behavior. In reality, the Virginia Republican Party wielded significant power only during military rule. Nevertheless, the Reconstruction era did bring about some significant, long-term changes in the life of the Old Dominion.

### *Wartime Reconstruction*

The process to restore Virginia to its normal place in the Union—the original meaning of the word “reconstruction”—began only weeks after the firing on Fort Sumter in April 1861. When the Virginia secession convention voted to secede on April 17, subject to a popular referendum on May 23, white Unionists in the northwestern third of the state immediately began organizing to resist the move toward the southern Confederacy. When the voters of the Old Dominion nevertheless approved the secession ordinance by a margin of four to one, northwestern Unionists—including Whigs, Democrats, and

Republicans—stormed into Wheeling (in the panhandle between Pennsylvania and Ohio) on June 11 to agree on a common response. The convention, acting for the loyal citizens of Virginia, declared vacant all state offices held by secessionists, appointed **Francis H. Pierpont** (a Whig lawyer and small manufacturer) governor, and accepted those Unionist members of the state general assembly who could meet in Wheeling as the only legitimate legislature of the Old Dominion. President **Abraham Lincoln** and Congress officially recognized this “Restored” government in late June and July, thereby readmitting Virginia—officially, at least—to its position in the Union.

Immediately after establishing their loyalist government, western Virginians began organizing for separate statehood, with the consent of the Restored government. President Lincoln and Congress approved a statehood bill in December 1862, but demanded that the new state add a gradual **emancipation** clause to its constitution. This was quickly done, and **West Virginia** entered the Union officially on June 20, 1863. Governor Pierpont and his staff moved the records and offices of the Restored regime (technically the Unionist government of old Virginia) to Alexandria, across the Potomac River from Washington, in August. This minuscule government, representing only those few counties within federal lines (near Washington and in southeastern Virginia), authorized a **constitutional convention** in 1864 to bring the Old Dominion’s basic law of 1851 into line with new realities. The “Alexandria constitution” abolished slavery, **disfranchised** nearly all Confederate soldiers and civilians, created (on paper, at least) the state’s first public **education** system, switched from the voice vote to the ballot, reformed the tax system, and repudiated the Confederate debt. This document was important because it served as the starting point for the Reconstruction constitution of 1869, drawn up under the mandate of the **Military Reconstruction Acts**.

### ***Presidential Reconstruction***

When President Andrew Johnson assumed control of Reconstruction policy after Lincoln’s **assassination**, he appointed **provisional governors** for the former Confederate states and ordered those states to write new constitutions reflecting postwar realities (i.e., outlawing slavery, renouncing the Confederate debt, and repudiating secession). Thanks to the Restored government, Virginia already had a Unionist governor (Pierpont) and a new constitution that included the required reforms, so Johnson allowed the Old Dominion to proceed directly to the election of state and federal officers.

Now relocated to Richmond, Governor Pierpont, much to the surprise and disappointment of Virginia Unionists and freedmen, administered Johnson’s plan in a manner that reinvigorated the antebellum ruling class of conservative white men, many of them former slaveholders. Under his leadership, the Restored legislature removed most of the Alexandria constitution’s disabling clauses that barred former Confederates from political participation, and the General Assembly allowed a popular referendum in October to decide whether to remove all remaining voting and officeholding restrictions. In addition, Pierpont endorsed **pardon** applications indiscriminately and, in various other ways, demonstrated a naïve belief that all Virginians were united behind

his program to put the war behind them and get on with the business of recovery.

White Unionists and former slaves could hardly believe their ears and eyes. Pierpont—the man who had stood bravely against secession in 1861, the governor who had raised troops for the Union, the chief executive who had urged the Restored government to draw up an antislavery constitution in 1864—was now restoring to power the old secessionists and endangering the safety of his wartime comrades. Spurred by Pierpont's seeming apostasy and their fear for their own futures, some white Unionists for the first time publicly called for **black suffrage** in the summer of 1865. Meanwhile, black Virginians held numerous meetings of their own, mostly in the northern and eastern portions of the state, to protest Pierpont's policies, to form **Union Leagues**, and to demand the vote.

In the state's first postwar elections, held in October 1865, conservative whites easily brushed aside these Republican stirrings. Conservatives won almost every contest for the General Assembly and national House of Representatives and voted overwhelmingly to remove all remaining restrictions on voting and officeholding by former Confederates. The new legislature, dominated by former slaveholders and secessionists, continued the conservative tidal wave by removing from state offices key Unionist allies of Governor Pierpont and replacing them with former Confederates, adopting a **vagrancy** law aimed at the freedmen, and shoring up an old statute that gave the testimony of whites more weight than that of blacks in state courts. Black and white Republicans, virtually powerless within the state, could only appeal to Republicans in Congress to take control of Reconstruction.

Republican hopes soared in November, when the first postwar national elections sent an overwhelmingly Republican Congress to Washington. It seemed now that President Johnson's Reconstruction program was sure to be replaced by something more substantial. In the eyes of Republicans, conservatives in the Virginia legislature only reinforced the need to sweep away the old order when they refused to ratify the **Fourteenth Amendment** in January 1867.

### ***Congressional ("Radical") Reconstruction***

Congressional Republicans initiated the third stage of Reconstruction in March 1867, when they passed the First Military Reconstruction Act. This law divided the South into five military districts, placed each under supervision of an army general, required new constitutional conventions to guarantee black voting and officeholding and disfranchise some former Confederates, and demanded ratification of the Fourteenth Amendment. Three supplementary laws gave federal military commanders in the South broad powers over the whole Reconstruction process.

Excited Virginia Republicans now looked forward to real change in the Old Dominion. Indeed, with the influx of tens of thousands of new black voters, the party might even win control of the governorship, the General Assembly, and the state's congressional delegation. In order to incorporate the new voters and prepare for elections of members to the required constitutional

convention, the party held its first postwar state convention in Richmond in mid-April 1866. Three hundred Republicans, mostly from the eastern half of the state and three-fourths of them black, initiated a raucous meeting with talk of land confiscation. Nervous moderates talked down the more radical appeals, and the meeting finally adopted resolutions praising the Congressional Reconstruction acts, calling for equal rights for all men regardless of race, demanding a system of public education open to all Virginians, and recommending a revised tax system that would tax property more heavily than in the past. Finally, the Republicans adopted their first biracial state executive committee, including both Moderate and **Radical Republicans**.

The demands for land confiscation continued among some Radical Republicans after the meeting, leading prominent party leaders in both North and South to fear that the Virginia party would alienate potential white adherents and relegate itself to permanent minority status. Racial clashes in Richmond in April and May only intensified these fears. To avert such a possibility, northern leaders cooperated with moderate Virginia Republicans to keep the doors to the party open for those whites who acknowledged the need to put the past behind them and reestablish a working two-party system in the state. Northerners like New York newspaper editor **Horace Greeley**, the former **abolitionist** Gerrit Smith, and Senator **Henry Wilson** of Massachusetts joined with Virginia white Unionists like former congressman John Minor Botts and Governor Pierpont to arrange a second state convention in August. The second meeting was designed to welcome into the party thousands of potential white supporters, mostly antebellum Whigs and conditional Unionists of 1861, without changing the platform or officers agreed upon in April. The high hopes of northern interceders and native white Unionists were dashed at the second meeting, held in Richmond on August 1. Black and white radicals, suspicious of the intentions of men like Botts, refused to allow the white Unionists and would-be Republicans into the meeting hall, hooted down a proposal to let Botts address the meeting, and made it clear that they would not cooperate with the type of men Wilson and Botts were trying to bring into the organization. The party's best chance of broadening its base to include significant numbers of native whites thus was lost, despite the intervention of northern party leaders.

Although they had spurned the potential inflow of native white support, the state's Republicans won their first significant political victory ever in the elections of delegates to the constitutional convention required by the March 1867 Reconstruction law. On October 22, voters sent 72 Republicans and only 33 conservatives to the convention, scheduled to begin in December. The Republican delegates included 24 black men, the first ever elected to public office in the Old Dominion. Intense interest in the election by black Virginians (88 percent of registered blacks actually voted, despite intimidation by white employers), sullen apathy on the part of white conservatives (only 63 percent of those registered actually voted), and the geographical concentration of black voters in eastern counties (which magnified the importance of their numbers) led to the stunning result. Republicans, black and white, would write the new basic law of the Old Dominion.

One side effect of this great Republican victory was the political reawakening of white conservatives. Jolted out of their torpor by their crushing

defeat, thousands of white Virginians who had turned away from politics in disgust after the war now lined up for voter registration. Former Whigs and their former enemies, members of the **Democratic Party**, joined hands to create a new organization, the Conservative Party, in December 1867. Leaders of the new party were experienced, highly organized, and determined to turn back the Republican tide that had swept over them in October. Never again would the fledgling Republican Party face a disorganized and demoralized foe.

The constitutional convention (sometimes called the “Underwood convention” for its presiding officer, the Radical federal judge, John C. Underwood) was held in Richmond from December to April. It was completely dominated by the victorious Republicans. They revised the tax system to place more of the burden on property holders, established Virginia’s first working public education system, made more state offices elective, provided home-stead protection for delinquent debtors, opened voter rolls to men of both races (except for ex-Confederates disqualified for office by the Fourteenth Amendment), and disqualified for public office every man who had supported the Confederacy in any way, even privates in the ranks and farmers who had sold food to the Confederate government. This “test-oath” clause was the most controversial in the entire document and would roil the political waters for more than a year. Indeed, the military commander of Virginia, the moderate **John M. Schofield**, would not schedule a referendum on the proposed constitution until he could get approval from Washington to submit the officeholding clause for a separate vote.

Conservatives and Republicans spent the next twelve months maneuvering and lobbying in Washington, mainly to control the referendum on the constitution. Virginia Republicans, including the new governor, Henry H. Wells (a former U.S. Army officer appointed by Schofield to replace Pierpont, whose term had expired), lobbied for a quick referendum on the entire Underwood constitution, without a separate vote on the controversial officeholding clause. Moderate Conservatives, led by an informal group of former Whigs and Democrats called the Committee on Nine, joined with less-radical Republicans to express their support for the constitution in general and to demand separate votes on both disabling clauses (voting and officeholding). This coalition of Conservative and Republican centrists won the support of important northern Republicans and northern newspapers as well as General Schofield. Their labors were rewarded in April 1869, when President **Ulysses S. Grant** and Congress provided funds for a referendum on the Underwood constitution, with separate votes on the two disabling clauses.

The alliance of moderate Republicans (mostly former Whigs and Unionists who now referred to themselves as True Republicans) and centrist Conservatives continued to cooperate in preparations for the crucial July vote. The contest would decide the fate of the constitution and the disabling clauses as well as elect new state officers. In the gubernatorial race, the True Republicans nominated Gilbert C. Walker—a former New York Democrat, strong Unionist, and banker in Norfolk—to run against the regular Republican candidate, provisional governor Henry H. Wells. The leading centrists among the Conservatives convinced their own party to withdraw from the gubernatorial competition and join with the True Republicans against Wells. This union, if it

held, would bring more voters, more financial resources, and more electoral experience to the contest than the Republican Party could hope to match. One important example was former Confederate general William Mahone, a postwar **railroad** magnate and tireless campaigner. He used his contacts all across Virginia to gather political information, advised candidate Walker about local political leaders, gave free passes on his railroads to True Republican and Conservative candidates, and in numerous other ways injected strength into the anti-Wells partnership. Republicans countered with warnings that Gilbert C. Walker and the True Republicans were only stalking horses for the old secessionist class. The two candidates and their supporting organizations conducted the most spirited statewide political campaign since antebellum days, with the important difference that black Virginians were now part of the process. Although both parties appealed for black votes, invited black voters to barbecues, and promised a new and better Virginia for the former slaves, the great majority of the freedmen would turn out for the regular Republican Wells.

In an orderly election on July 6, voters approved the proposed constitution overwhelmingly (96 percent in favor) and rejected the two disabling clauses by wide margins (about 60 percent to 40 percent in both cases). Walker, with 54 percent of the vote, defeated Wells, and coalition candidates won 30 of 43 seats in the state senate, 97 of 140 seats in the state house, and 5 of 8 positions in the Congressional delegation. Although Walker was a native New Yorker and strong Unionist during the war, and although he ran on the True Republican ticket, most voters and outside observers interpreted the election as a victory for the Conservative Party, which had, after all, provided most of the votes.

Provisional governor Wells resigned in September and was replaced by Walker. The new legislature approved the Fourteenth and **Fifteenth Amendments** in October, and President Grant recommended **readmission** of Virginia into Congress in December. Congress agreed in January 1870, bringing Congressional Reconstruction to an end in the Old Dominion. Nevertheless, Reconstruction had brought black Virginians into the political process for the first time, democratized the state government in a variety of ways, established the state's first public education system, and created a more modern constitution that would serve as the state's basic law until 1902. *See also* Amnesty Proclamations; Black Codes; Black Politicians; Carpetbaggers; Elections of 1866; Labor Systems; Loyalty Oaths; Redemption.

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*Richard Lowe*





# W

## **Wade, Benjamin Franklin (1800–1878)**

Benjamin Franklin Wade, Radical U.S. senator from Ohio, was born in Feeding Hills, Massachusetts, the son of James and May Woodham Wade, descendants of famous Puritans. Educated by his mother, the daughter of a minister, and in the local schools, at twenty-one he moved to Andover, Ohio, where he taught school, worked as a drover, and labored on the Erie Canal. He also read law with Elisha Whittlesey, and established himself as an attorney in Jefferson, Ohio, on the Western Reserve. In 1831, he formed a partnership with Joshua Giddings, later the famous antislavery leader in Congress, with whom he subsequently broke because of his refusal to bolt from the Whig Party in 1848, while Giddings joined the Free Soilers. As a prominent Whig, Wade was elected prosecuting attorney for Ashtabula County in 1835, and two years later, state senator. Because he soon became known for his anti-slavery opinions and his concern for the weak, women, and workers, as well as **African Americans**, he was defeated for reelection in 1839, but in 1841, was returned to the senate. In 1847, he was elected presiding judge of the Third Judicial District to Ohio.

In 1841, he married Caroline M. Rosecrans, the highly intelligent daughter of a wealthy merchant in Lansingburg, New York, with whom he had two sons and a singularly happy marriage.

When the Fugitive Slave Bill was passed in 1850, he announced that he would never enforce it. Consequently, a combination of Whigs and Free Soilers elected him to the U.S. Senate, where he stood out as one of a small band of antislavery radicals. Opposing the Kansas-Nebraska Act and southern pretensions, he fought for a homestead bill, and, after becoming one of the founders of the Republican Party, was reelected in 1856. Called “Bluff Ben Wade,” he was known as a good shot, and when Robert Toombs threatened

him with a duel, he allegedly said, as the choice of weapons would be his, he would ask for rifles at thirty paces and have Toombs pin a patch on his coat the size of a dollar over his heart. To emphasize his willingness to defend himself, he appeared in the Senate with two pistols. No duel took place.

During the secession crisis, he strongly opposed all compromise, supported **Abraham Lincoln**, and afterward favored the vigorous prosecution of the war and the speedy **abolition of slavery**. As head of the Committee on Territories and believing that the seceded states reverted to the condition of territories, he was convinced that Congress, and not the president, ought to be in charge of Reconstruction. In December 1861, he became chair of the **Joint Select Committee on the Conduct of the War**, a Radical body that sought to influence the administration to move against slavery and to rely on Radical generals.

Wade's radical stance soon brought him into conflict with the Lincoln administration. Bitterly critical of Lincoln's reversal of Frémont's and Hunter's edicts of **emancipation**, he also disapproved of Lincoln's **Amnesty Proclamation**, and was the coauthor of the **Wade-Davis Bill** seeking to provide for a more stringent form of Reconstruction by demanding that only when 50 percent, not 10 percent, of the voters had taken an oath of loyalty, could Reconstruction begin, although only those who could take an ironclad **loyalty oath** would subsequently have the right to vote. Furious when the president pocket-vetoed this measure, together with Henry Winter Davis he signed the Wade-Davis Manifesto accusing Lincoln of seeking to win reelection by means of rotten boroughs. If he wished their support, they wrote, "he must confine himself to his executive duties—to obey and execute, not make the laws." But though he with others sought to substitute another candidate for the presidency, when the **Democratic Party** nominated George B. McClellan on a peace platform, he rallied behind his party and its choice for office.

The **assassination** of the president and the accession of **Andrew Johnson** at first seemed to make things easier for Wade. "Johnson, we have faith in you," he reportedly told the new executive. "By the gods, there will be no trouble now in running the government." However, he was soon to be disappointed in Johnson's Reconstruction policies and became one of the president's most determined opponents. Strongly advocating the **Civil Rights** and Reconstruction Acts, the **Fourteenth Amendment** and the **impeachment** of Johnson, in March 1867, he was elected president pro tem of the Senate, an office that put him next in line for the presidency (no vice president existed once Johnson became president). As such, he was in a difficult position during the impeachment trial. Although his opponents demanded that he refrain from voting, he held that Ohio was entitled to two senators, and he cast his ballot for conviction, although, because of his place in the alphabet, it had no effect on the outcome. To some extent, Johnson owed his acquittal to some senators' fear of Wade's radicalism, and it also frustrated his ambition for the vice presidential nomination on **Ulysses S. Grant's** ticket for the **election of 1868**. Indiana congressman **Schuyler Colfax** was nominated instead. As it was, because of his strenuous campaign for **black suffrage** in Ohio, in 1867, the Democrats captured the state legislature so that his defeat for reelection was certain. He retired to Jefferson, accepted President Grant's appointment

as one of the five government directors of the Union Pacific **Railroad**, and served as one of the president's commissioners to Santo Domingo. In 1876, he was elector for **Rutherford B. Hayes**, only to be deeply disappointed when the president withdrew the federal troops from the southern state houses. He died at Jefferson in 1878. *See also* Compromise of 1877; Congressional Reconstruction; Presidential Reconstruction; Recusants; Redemption; Republicans, Radical.

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*Hans L. Trefousse*

### **Wade-Davis Bill (1864)**

The Wade-Davis Bill represented congressional Republicans' first plan to reestablish loyal governments in the Confederate states during the Civil War. Introduced by **Maryland** congressman Henry Winter Davis and supported by Ohio senator **Benjamin F. Wade**, the bill attempted to weaken the Confederacy by ending military resistance, abolishing slavery, and building loyal, Unionist states.

During the Civil War, President **Abraham Lincoln** and the Congress worked to repair the split between Union and Confederate states. By 1863, the federal government had conquered enough territory to begin considering how to occupy and organize it. Central to Lincoln's plan were the **abolition of slavery** and the establishment of state governments loyal to the Union. In an initial attempt to gain military control of Confederate states, Unionist **military governors** (who were actually civilians) were placed in **Tennessee, Louisiana, Arkansas, and North Carolina**. In Louisiana, Unionists led by Thomas J. Durant, embraced Lincoln's plan. Failure to defeat the Confederacy in the other Confederate states caused President Lincoln to seek different reconstruction methods.

Slavery and voter loyalty remained troublesome issues. The **Emancipation Proclamation** left the status of slaves uncertain in most states. Military occupation meant physical control, but left an area's political status in limbo. So in 1863, Lincoln attempted to clarify many of these issues with his Proclamation of **Amnesty and Reconstruction**, which offered amnesty to citizens willing to take a **loyalty oath** to the **U.S. Constitution** and pledge obedience to all laws of the United States. This included the Emancipation Proclamation; these states needed to formally emancipate their slaves. In order for the **readmission** process to begin under this plan, at least 10 percent of citizens who voted in the 1860 elections were required to take a loyalty oath. After these citizens established a republican form of government, representatives would be readmitted to Congress.

Many in Congress thought the plan far too lenient. Lincoln's so-called Ten Percent Plan needed only minimal population loyalty for proceeding,

guaranteed property rights (except slaves), **disfranchised** very few former Confederates, and did nothing about the state of **African Americans** once freed. The growing number of **Radical Republicans** in Congress wanted stricter controls over who would come to power in the new South. Congress's counterproposal was the Wade-Davis Bill, which placed tougher restrictions on former Confederate states. First, after all military resistance ceased, the president would appoint a **provisional governor** in the state. The governor would require white male citizens to take a loyalty oath supporting the Constitution of the United States. Next, when a majority of eligible white male voters declared loyalty, a state convention would be held. To attend the convention, eligible citizens swore to an ironclad oath, a declaration that they never aided or served in the Confederacy. Those declaring the oath were allowed to vote for and serve as convention delegates. At the convention, eligible voters would draft and adopt a new state constitution. States were permitted to resume laws and ordinances that were in effect prior to secession, except any affecting slavery or in opposition to federal laws now existing. In addition, the bill prohibited involuntary servitude and guaranteed freedom to all persons. Under the Wade-Davis Bill, no persons holding office during the Confederacy could participate at the convention. Ratification required affirmation from the majority of eligible white male voters. Following ratification, Congress would review the new state constitution, and if it met muster, the state would resume representation in Congress.

Despite similarities, the Wade-Davis Bill imposed stricter loyalty requirements than Lincoln's plan. Lincoln offered amnesty to Confederate citizens, excluding military officers and government authorities, pending an oath of future loyalty to the Union. Under the proposed Wade-Davis Bill, voter eligibility rested on past loyalty to the Union. Also, Lincoln's plan did not clearly address the status of freedmen. The Wade-Davis Bill allowed blacks habeas corpus protection, equal rights to trial, and extended liberties to all freedmen. Neither bill clearly defined the status of freed slaves, nor did either promote **black suffrage**. Congress hastily passed the Wade-Davis Bill in July 1864.

Concerned that the rapid passing of the bill could jeopardize reconstruction progress in Louisiana, Lincoln pocket-vetoed it. Furious, Radical Republicans charged Lincoln with failure to acknowledge congressional legislative powers. Some of these powers Congress demonstrated when it refused to recognize the new southern governments constructed under Lincoln's plan. Congressional Republicans also adopted the Wade-Davis Manifesto in August 1864, in response to Lincoln's veto. This complained of the executive's abuse of authority and failure to recognize the jurisdiction of the legislature. Nonetheless, the bill was not resubmitted to Congress, the status of the Lincoln governments remained cloudy, and the war wound down with no clear understanding of what would follow. *See also* Annual Messages of the President; Confiscation Acts; Congressional Reconstruction; Constitutional Conventions; Joint Select Committee on the Conduct of the War; Pardons; Presidential Reconstruction.

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*Janice E. Fowler*

### Warmoth, Henry Clay (1842–1931)

Henry Clay Warmoth was a **carpetbagger** who helped found the Republican Party in **Louisiana** and served as governor of the state from its **readmission** to the Union in 1868 until his impeachment in December 1872. He remains one of the most controversial figures of the Reconstruction era and in all of Louisiana history.

Warmoth was born in McLeansboro, Illinois, on May 9, 1842. He received a limited formal **education**, but read law books owned by his father, a justice of the peace, and attended local court sessions, which motivated him to become an attorney. In 1860, at the age of eighteen, Warmoth relocated to Lebanon, Missouri, where he joined the local judicial circuit, gained admittance to the Missouri bar, and began practicing law. In early 1861, he was appointed circuit attorney for Missouri's Eighteenth Judicial District, but the secession crisis prevented him from serving.

Despite his youth and lack of military training, Warmoth was made a colonel of Missouri **militia** at the outbreak of the Civil War and later became a lieutenant colonel of Missouri infantry. At the beginning of the 1863 Vicksburg campaign, he joined the staff of General John A. McClernand, a corps commander under General **Ulysses S. Grant**. He was seriously wounded on May 22, 1863, during Grant's second assault on Vicksburg. When Warmoth returned to service after recovering from his injuries, he found that Grant had dishonorably discharged him for being absent without leave and for having spread false reports of large Union losses during the Vicksburg campaign. Warmoth went to Washington, D.C., in August 1863 and successfully petitioned President **Abraham Lincoln** for reinstatement. Transferred to Louisiana, he arrived in New Orleans in February 1864, just as a Unionist state government was being formed under Lincoln's Ten Percent Plan, and he was appointed judge on the provost court for the military Department of the Gulf. The fall 1864 consolidation of the remnants of his regiment with other equally ravaged units left Warmoth without a commission and ended his military career. He decided to remain in New Orleans and, in early 1865, began a lucrative law practice.

Although too young before the war to have been politically active, Warmoth by war's end had become keenly interested in politics. New Orleans had been a center of southern loyalism during the war, and a Unionist state government was already in place by the spring of 1865. Warmoth played a central role that summer in organizing the Republican Party in Louisiana. Although the party included a mix of native white moderates and white and black Radicals, including a group of influential free men of color, carpetbaggers like Warmoth soon gained control. The first party convention in September 1865 embraced the idea that the ex-Confederate states had reverted to "territorial" status, and it advocated **black suffrage** and racial equality. When elections for state officials and members of Congress were held in Louisiana in November under

President **Andrew Johnson**'s restoration policy, which excluded **African Americans**, state Republicans held their own extralegal election that included blacks and that chose Warmoth as a "territorial delegate." Although Warmoth was not formally seated in Congress, he spent early 1866 conferring with important Republican leaders in Washington, D.C. Warmoth returned to Louisiana and witnessed the **New Orleans riot** of July 30, 1866, in which a white mob massacred dozens of black and white Republicans. He spent that fall in the North campaigning for Republican congressional candidates and for the defeat of Johnson's policy in the **elections of 1866**.

Following the Republicans' 1866 electoral victory, the **Military Reconstruction Acts** of 1867 subjected the southern state governments to military authority, called for new state constitutions that incorporated black suffrage, and mandated that ex-Confederate states ratify the **Fourteenth Amendment** to the **U.S. Constitution** for readmission to the Union. Warmoth did not participate in the Louisiana **constitutional convention** of late 1867 and early 1868, but he gained the Republican nomination for governor in January 1868 over Francis E. Dumas, an antebellum free man of color. Warmoth and a Republican-majority legislature were elected in April 1868, and Louisiana ratified the Fourteenth Amendment and was readmitted in June.

Warmoth had just turned twenty-six years old when he became governor of Louisiana. Handsome, personable, and self-confident, he exuded a charm that enchanted even his political opponents. He was also a formidable political figure who, despite his northern background, mastered the ways of Louisiana politics. As part of the Republican Party's attempt to remake southern society in the image of the free-labor North, Warmoth promoted state spending on internal improvements, attempting to rebuild Louisiana's devastated infrastructure and transportation system, and he tried to foster economic development by attracting northern investment and industry. He oversaw creation of Louisiana's first statewide system of public education, and, in hopes of drawing white support to the Republican Party and of building a biracial political coalition, Warmoth appointed a number of white conservatives to office.

Despite Warmoth's talents, these initiatives met with little success. Instead, the Warmoth administration was mired in controversy, and a number of difficulties, some self-imposed, prevented it from implementing its reform agenda. Warmoth's opponents relentlessly accused him of corruption, and although there is no evidence that Warmoth took bribes, the fact that he undoubtedly used the powers of his office to make himself wealthy lent credence to those charges. The large majority of white Louisianans, moreover, saw neither Warmoth's administration nor the entire process of **Congressional Reconstruction** as legitimate, and they opposed them every way they could. When the **Ku Klux Klan** and other terrorist groups disrupted the presidential **election of 1868** in Louisiana, Warmoth and the legislature created a body known as the Returning Board, which was authorized to exclude any election results that it believed had been tainted by illegal methods. Although intended to preserve electoral integrity, the Returning Board itself sparked much controversy.

Warmoth's administration and the Louisiana Republican Party were also plagued by bitter factional infighting. Warmoth's appointment policy and his

limited support of black **civil rights** alienated many Republicans. Squabbles also arose over state and federal **patronage**, state contracts, and other spoils of office. By 1870, the party had split into pro-Warmoth and anti-Warmoth, or "Custom House," factions. The former included mostly state employees, while the latter consisted of federal officials headquartered at the U.S. Custom House in New Orleans. Both factions claimed to be the legitimate Republican Party of Louisiana, but President Grant, with whom Warmoth had quarrelled during the war, supported the Custom House faction, especially after Warmoth blocked the election of James F. Casey, a member of the Custom House faction and Grant's brother-in-law, to the U.S. Senate. By late 1871, Warmoth was governor but no longer head of the state's Republican Party. Louisiana's **Democratic Party** encouraged and capitalized upon Republican infighting.

With the 1872 split in the national Republican Party and the **Liberal Republican** revolt against Grant's reelection, Warmoth became the leader of the Liberal Republicans in Louisiana, and he attended the **Cincinnati Convention** in May that nominated **Horace Greeley** for president. State elections were also scheduled for 1872, and the gubernatorial nominees included Democrat John D. McEnery and Republican **William Pitt Kellogg**. During the summer, there remained the possibility that Louisiana Republicans and Liberal Republicans might reunite, but Warmoth could not bring himself to support Grant's reelection. Instead, Democrats and Liberal Republicans in Louisiana formed a "Fusion" ticket headed by McEnery, although a number of Warmoth's supporters abandoned him and rejoined the Republicans rather than side with the Democrats. Nonetheless, Warmoth used his power as governor to aid the Fusion ticket, firing Republican state election officials and replacing them with Democrats.

The election of 1872 in Louisiana was one of the most controversial in the state's history. Intimidation and **violence**, especially against blacks, characterized the campaign, and fraud marred the election. Both Kellogg and McEnery claimed victory, as did rival Republican and Democratic legislatures. Opposing Returning Boards, of which there were eventually four, likewise declared conflicting results. In hopes of giving Kellogg an advantage, the Republican legislature impeached Warmoth in early December, thereby suspending him from office with only one month left in his term. Although he never faced trial before the state senate, Warmoth's impeachment effectively ended his governorship. The black lieutenant governor, **Pinckney B. S. Pinchback**, completed Warmoth's term and thus became the first black governor in U.S. history. (Rival state governments held inaugurations in January 1873, but President Grant later recognized the Kellogg government.)

Unlike many other carpetbaggers, Warmoth remained in the South for the rest of his life. After leaving office, he purchased a sugar plantation and became a leading modernizer of the Louisiana sugar industry. Returning to the Republican fold, he served in the state legislature at the end of Congressional Reconstruction, ran as Republican candidate for governor in 1888, and in the early 1890s, served as collector of customs in New Orleans. He eventually sold his sugar interests and lived during his later years in the St. Charles Hotel in New Orleans, where he became a living legend. In 1930, he published his memoirs, *War, Politics and Reconstruction*, a defense of his Reconstruction



record. He died in New Orleans on September 30, 1931, and is buried in Metairie, Louisiana. *See also* Amnesty Proclamations; Banks, Nathaniel P.; Dunn, Oscar James; Hahn, Georg Michael Decker; Longstreet, James; Packard, Stephen B.; Presidential Reconstruction; Railroads; Scandals; Twitchell, Marshall H.; Wells, James M.

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*John C. Rodrigue*

### Washington's Birthday Speech (1866)

President **Andrew Johnson** delivered the "Washington's Birthday Speech" on February 22, 1866, to a crowd gathered outside the White House. Earlier, on February 19, Johnson had vetoed the **Freedmen's Bureau Bill**, frustrating and angering many Moderate Republicans. However, some people supported Johnson, and they met at Grover's Theatre in Washington, D.C., on February 22 to hear speeches and pass resolutions approving the president's actions. That evening, they paraded to the White House, to serenade Johnson and present the resolutions to him. Johnson spoke to the crowd, and the tone and substance of the speech ultimately hurt the president's cause.

Johnson's advisors had warned him about speaking to the serenaders, as they knew that Johnson tended to become excited, rowdy, and even bellicose when he spoke extemporaneously. This style, which served Johnson well on the "stump" as a politician in Tennessee, was inappropriate for a president. In fact, Johnson had agreed not to respond, but when the time came he could not resist the opportunity.

First, President Johnson thanked the crowd of well-wishers for their support of his policies, which he claimed were really those of **Abraham Lincoln**. Johnson focused on his consistent support for the Union and the **U.S. Constitution**, and criticized those who blocked the **readmission** of southern states and their representatives. He was especially harsh toward certain northerners who he claimed were causing a new rebellion by using the **Joint Committee on Reconstruction** to control federal legislation in the House of Representatives and the Senate. When the crowd asked for names, the president replied with Pennsylvania congressman **Thaddeus Stevens**, Massachusetts senator **Charles Sumner**, and abolitionist **Wendell Phillips**. Someone then asked about John W. Forney, an influential newspaperman and former Johnson supporter. The president said he refused to shoot at "dead ducks." Johnson concluded by stressing his devotion to the Constitution, and his opposition to proposed amendments to it.

Despite the applause from those present, Johnson had done as his advisers had feared, and delivered an undignified, even hostile, address. Some

opponents, recalling Johnson's poor performance at his vice presidential inauguration, charged that the president was drunk. The speech caused some Moderate and Conservative Republicans to sever ties to the president's program. Johnson's targeting of specific individuals, perhaps his greatest blunder, made him powerful enemies, and immediately Forney's newspapers became a vocal force for those critical of the president. Johnson's failure to match his political skills to the environment, especially his lack of oratorical restraint, significantly detracted from his ability to retain support for his program of **presidential Reconstruction**. See also National Union Movement; Republicans, Moderate; Republicans, Radical; Swing Around the Circle.

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*Glenna R. Schroeder-Lein*

### **Welles, Gideon (1802–1878)**

Gideon Welles, secretary of the navy under Presidents **Abraham Lincoln** and **Andrew Johnson**, was a native of Glastonbury, Connecticut. After **education** at academies in Connecticut and Vermont, Welles became editor and part owner of a **Democratic Party** newspaper, the *Hartford Times* (1826–1836), which supported Andrew Jackson.

During his political career, Welles expressed his viewpoints in writing rather than in oratory. He remembered names and faces well and was a good judge of character. Welles served in the state legislature (1827–1835), but otherwise held appointive offices: state comptroller of public accounts (1835, 1842–1843), postmaster of Hartford (1836–1841), and chief of the Bureau of Provisions and Clothing of the U.S. Navy (1846–1849).

Although Welles believed in individual rights, strict construction of the **U.S. Constitution**, and states' rights, he left the Democratic Party because he disagreed with its stand on slavery, especially the Kansas-Nebraska Act of 1854. He wrote many political columns for the *Hartford Evening Press*, a Republican newspaper that he helped establish in 1856, as well as for the *New York Evening Post* and the *National Intelligencer* (Washington, D.C.). Welles headed Connecticut's delegation to the Republican National Convention in 1861, and was chosen by the new president, Abraham Lincoln, to serve as his secretary of the navy. As a former Democrat and a New Englander, Welles helped to balance the **cabinet**. His previous experience with the Bureau of Provisions provided good background, as Welles created for the war an effective Union navy from a very small peacetime nucleus. Among other things, Welles's accomplishments included constructing, buying, and borrowing enough ships to blockade the Confederate coastline; introducing and supporting the use of ironclad warships; and positioning sizeable fleets on the western rivers. He managed naval affairs in a fair and nonpartisan manner, which sometimes angered those who believed they deserved some advantage.

Because Welles served under both Lincoln and his successor, Andrew Johnson, Welles's term was the longest of any navy secretary to that time (1861–1869). Welles generally took a moderate-to-conservative stand on non-naval issues that came before the cabinet. In general, Welles approved of Johnson's program of **presidential Reconstruction**. For instance, he agreed that **suffrage** issues should be decided by the states, he opposed the **Civil Rights Act of 1866**, he supported the **National Union Movement (1866)**, and even accompanied Johnson on his **Swing Around the Circle** speaking tour. Johnson sought Welles's advice on removing certain army commanders supervising the **Military Reconstruction Acts**, as well as Secretary of War **Edwin M. Stanton**. During Johnson's **impeachment**, Welles also gave advice to the president.

Welles and Johnson corresponded occasionally after the end of Johnson's term. Welles retired to Hartford, Connecticut, where he wrote a series of historical articles for *The Galaxy*. Perhaps his most significant contribution to historians, rather than to history itself, is his detailed diary (1862–1869), which since its first publication in 1911, has been an invaluable source of information for anyone studying the Civil War and Reconstruction. *See also* Black Suffrage; Civil Rights; Congressional Reconstruction.

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*Glenna R. Schroeder-Lein*

### **Wells, James M. (1808–1899)**

A planter and politician, James Madison Wells served as governor of **Louisiana** during Reconstruction. A native of Alexandria, Louisiana, Wells received a good **education** by attending schools in **Kentucky**, Connecticut, and Ohio. He became one of the largest slave owners in Louisiana, operating multiple plantations. In politics, he was inherently conservative: a Whig devoted to the Union, he opposed both **abolition** and secession before the Civil War. After federal troops occupied portions of the state, in 1864, Wells was elected lieutenant governor and Michael Hahn was elected governor. When the legislature selected Hahn as U.S. senator, Wells succeeded to the governorship in March 1865.

Wells vacillated between conservative former Confederates and the **Democratic Party** on the one hand and, on the other, more liberal men belonging to Louisiana's new Republican Party—including Union army veterans, freedmen, and prewar Unionists. He sided with President **Andrew Johnson's** forgiving plan of Reconstruction, finding himself at odds with some **U.S. Army** officers who supervised the state's economy and politics. Running as a Democrat, Wells won the governorship in the special election of November 1865.

Sliding away from conservatism, Wells remarkably appeared to entertain the possibility of **suffrage** for **African American** men, a point to be considered when the old **constitutional convention** of 1864 would reconvene in July 1866, but his actions left **Radical Republicans** and freedpeople

wanting: Wells took no steps to stop a **race riot** in New Orleans that disrupted the convention, and severely affected the state's—and the president's—political fortunes. Despite announcing his support for ratifying the **Fourteenth Amendment** to the **U.S. Constitution** and calling for the legislature to appropriate money for black schools, Wells failed to convince General **Philip Sheridan** of his support for Reconstruction. When the **Military Reconstruction Acts** of 1867 gave Sheridan authority over all civil officeholders in the Fifth Military District (Louisiana and **Texas**), Sheridan removed the governor as an “impediment to Reconstruction.”

Out of office a few years, Wells returned to politics in 1872, when Louisiana's Republican leaders made him chairman of the State Returning Board, an organization that determined the validity of ballots cast in the state's elections. His board helped count votes favoring his new party in the elections of 1874, and that led to Wells being appointed to the lucrative post of surveyor of customs for the port of New Orleans. In 1876, Wells and the Republican majority on the Returning Board determined that Republican presidential candidate **Rutherford B. Hayes** had carried Louisiana, contributing to a dispute at the national level over the winner of the presidency between Hayes and Democrat **Samuel Tilden**. As a part of the subsequent extraordinary **Compromise of 1877**, **Francis R. T. Nicholls** was counted in as Louisiana's Democratic governor after Hayes gained the presidency. Wells continued to serve as surveyor of customs until 1880. *See also* Congressional Reconstruction; Elections of 1866; Electoral Commission of 1877; Patronage; Presidential Reconstruction; Redemption; Republicans, Moderate; Scalawags; Violence.

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*Joseph G. Dawson III*

## West Virginia

The majority of citizens living in the far western counties of **Virginia** opposed the decision of the state's political leaders to remove Virginia from the Union in 1861. Residing hundreds of miles from Virginia's capital, Richmond, and relying less heavily on slavery than whites living in the eastern section of the state, they saw little to gain from secession. Nevertheless, Virginia became a Confederate state. This strong Unionist sentiment in the West provided the impetus for a statehood movement for the far western counties during the Civil War. President **Abraham Lincoln**, striving to undermine the Confederacy in any way possible, also favored statehood. The movement culminated in 1863, when U.S. Congress recognized the state of West Virginia.

### *Primary Issues of Reconstruction in West Virginia*

West Virginia's new status did not protect it from the difficulties of Reconstruction. Three issues affecting the state after the Civil War stand out as

especially significant. The first issue dealt with the debate over whether to grant political and **civil rights** to former Confederates in West Virginia. A second issue dealt with the power of the Republican government, which controlled West Virginia at the outset of Reconstruction, to implement its policies in the face of Democratic and Conservative Unionist opposition. A third issue concerned the site of a permanent capital for the state. The manner in which state and federal leaders addressed these issues determined the course of Reconstruction in West Virginia and affected the state long after the Reconstruction era.

Former Confederates in West Virginia found themselves bound by laws that severely limited their political rights. These laws won the staunch support of leaders of the state's Republican Party, which struggled to maintain political control by disfranchising (denying voting rights) many "rebel" whites while supporting **black suffrage**. Comprising a miniscule percentage of the population of the state, and residing mainly in the northern and eastern corners of West Virginia, blacks exerted only a limited influence over state politics. Democratic leaders favored removing political disabilities from disfranchised whites in an attempt to strengthen their party's chances at electoral success, knowing that disfranchised whites, if given the **suffrage**, would strongly oppose the Republican Party. **Democratic Party** leaders pointed to black suffrage as a potent symbol of the Republicans' desire to uplift the freedmen at the expense of whites and reminded their political supporters of what they considered to be the disturbing anomaly of black empowerment existing simultaneously with white **disfranchisement**. These attacks weakened the Republicans. The seizure of the reins of state government by the Democratic Party seemed only a matter of time.

### *The Freedmen's Bureau in West Virginia*

Reconstruction presented West Virginia blacks with innumerable challenges in adjusting to freedom. Not least among these challenges was the necessity of overcoming white racism. Local white leaders were sometimes slow to build new schools for blacks, even though a state law mandated that such schools be constructed and despite the offer of Freedmen's Bureau officials to assist in the construction. Other whites resorted to more dangerous forms of opposition: harassment, intimidation, and **violence**. High prices for basic goods such as shoes, exorbitant rent prices, and diseases such as cholera also bedeviled the freedmen. These dismal conditions slowly improved during the Reconstruction period. Federal officers working for the Freedmen's Bureau sometimes noted in their reports examples of black advancement, praising many of the freedmen as hard working and responsible. Blacks benefited from the fact that no **Black Codes**, such as the ones passed by legislatures in many of the former Confederate states, existed in West Virginia.

The federally operated Freedmen's Bureau was especially strong in the eastern corner of the state, a region dubbed the "eastern panhandle," Berkeley and Jefferson counties being the focal points of the organization's efforts. Blacks and poor whites both received aid from bureau officials. The rations and medical aid dispensed by bureau officials rescued many recipients from privation, and the **education** they provided helped to unlock the shackles of

ignorance that had bound blacks as slaves. Bureau officials pressured local leaders to fulfill the stipulations of the education law concerning the building of black schools, although, in a number of areas, local leaders complied willingly with the law. Only three years after the Civil War, however, the federal government ended Freedmen's Bureau operations, and states were left to their own resources.

### ***West Virginia Senator Peter Van Winkle and President Johnson's Impeachment Trial***

In 1868, President **Andrew Johnson** was tried in the Senate on **impeachment** charges and acquitted by a single vote. Had he failed to garner the support of a small number of Republicans, he probably would have been convicted. One of the so-called **recusant** Republicans who voted for President Johnson's acquittal was West Virginia senator Peter G. Van Winkle. Like Kansas senator **Edmund G. Ross**, today the most famous of the band of Republicans who supported President Johnson, Van Winkle believed that the president was a victim of a cynical **Radical Republican** ploy to oust him from office. In voting to acquit the president of the charges against him, Senator Van Winkle not only challenged his own party, but he also violated the wishes of a large majority of West Virginia's legislature, which supported the president's conviction. In 1869, his Senate term ended, and with it, his career as an elected official.

### ***"Redemption" in West Virginia***

Although his impeachment and trial left Johnson in office, his political power had been nullified. Years earlier, Radical Republicans in the U.S. Congress had assumed control of Reconstruction policy, and Johnson's disgrace was only the latest blow. Congressional Radicals had earlier passed the **Military Reconstruction Act** of 1867, which ordered army troops to occupy the southern states, excluding West Virginia. The influence of the Republican Party in West Virginia slowly ebbed as Reconstruction progressed. Elections in 1869 and 1870 produced favorable results for the Democrats, and, as a consequence, Republican political control of state government dissolved. After West Virginia's "**redemption**," former Confederates no longer faced discriminatory laws, and they became a significant political force. Redemption is a term historians employ to describe the collapse of the Republican Party's power in a southern state during Reconstruction, and the subsequent takeover by Democratic or conservative forces. With the rise of Democrats to power in the early 1870s, **African Americans** were forced to attend schools separate from whites, and only whites were allowed to serve on juries. The **Fifteenth Amendment** to the **U.S. Constitution**, ratified in 1870, already protected black suffrage to a degree, but white lawmakers held open the possibility of denying the freedmen voting rights through methods not prohibited by it.

### ***Debate over the State Capital***

During Reconstruction, West Virginia's leaders debated whether to place the capital in Wheeling, Charleston, or some other town. Dominated by

Radical Republicans, Wheeling was unacceptable to the large Democratic contingent in the state. Resting in the “northern panhandle,” the state’s far northwestern corner, its remote location also made Wheeling unattractive as a state capital. Although Charleston, which could not be reached by train, had its weaknesses as well, it became West Virginia’s permanent capital in 1885, the state’s voters having earlier approved the move in a referendum.

The impact of the events of the Reconstruction period in West Virginia held long-term consequences for the state. Charleston, of course, remained the capital. More significant, redemption brought the rise of **Bourbon** government, and the treatment of blacks during Reconstruction would pave the way for the later development of **Jim Crow laws**. In West Virginia, as well as throughout the United States, developing a just society would prove a far more arduous task than simply forming a new state. *See also* Abolition of Slavery; Bureau of Refugees, Freedmen, and Abandoned Lands; Emancipation; New South; Pierpont, Francis H.

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*James S. Humphreys*

### **Whipper, William J. (1835–1907)**

William James Whipper was an important voice for the rights of **African Americans** and women in **South Carolina** both during and after Reconstruction. He was born in Philadelphia in 1835, the nephew of black **abolitionist** William Whipper. Moving west, he studied law in Detroit and practiced in Ohio before the Civil War. In the war, he served in the Thirty-first U.S. Colored Infantry. By the time the war was over, he had been court-martialed twice, once for gambling and once for fighting with a lieutenant.

Driven by both idealism and personal profit, Whipper moved to Hilton Head Island, South Carolina, after the war, where he taught school for the **Bureau of Refugees, Freedmen, and Abandoned Lands**. He soon took up law as well, and practiced in Beaufort and Columbia, forming a partnership with **Robert Brown Elliott** and Macon Allen. He married Frances Rollin, a writer from a prominent free black family in Charleston. Whipper represented Beaufort County in the 1868 **constitutional convention**, where he proposed extending **suffrage** to women. In the debate over land, Whipper opposed land confiscation and opposed soliciting money from Congress to buy land for the freedmen, feeling that they would gain more respect if they succeeded by their own unaided efforts. Whipper’s attitudes toward labor were sometimes self-contradictory. At the 1869 state labor convention, he encouraged plantation workers to organize to get higher wages, but in 1872, he was taken to court for not paying workers on his own rice plantation.

Whipper served in the South Carolina House of Representatives from Beaufort County from 1868 to 1872 and again from 1875 to 1876. He ran on the Reform ticket and lost in 1872 and 1874; for part of this time, he lived in Barnwell County. The legislature's election of Whipper as a circuit court judge in Charleston in December 1875 became a lightning rod for criticism and helped galvanize the **Democratic Party's** opposition in the **election of 1876**. While Whipper was not as corrupt as his fellow appointee, **Franklin J. Moses, Jr.**, his penchant for gambling and drink proved an easy target for his opponents.

When Reconstruction ended, Whipper continued to practice law and politics in Beaufort. He relocated to Washington, D.C., in the early 1880s, but returned to Beaufort later in the decade to serve as a probate judge. Whipper was a delegate to the South Carolina constitutional convention of 1895 and opposed the **disfranchisement** of African Americans. Late in his life, he challenged the exclusion of blacks from juries in a case before the state supreme court. Whipper died in 1907. *See also* Black Politicians; Bourbons; Carpetbaggers; Chamberlain, Daniel Henry; Congressional Reconstruction; Hampton, Wade, III; Jim Crow Laws; New South; Patronage; Redemption; Scandals; Scott, Robert K.; Women's Movement.

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*Bruce E. Baker*

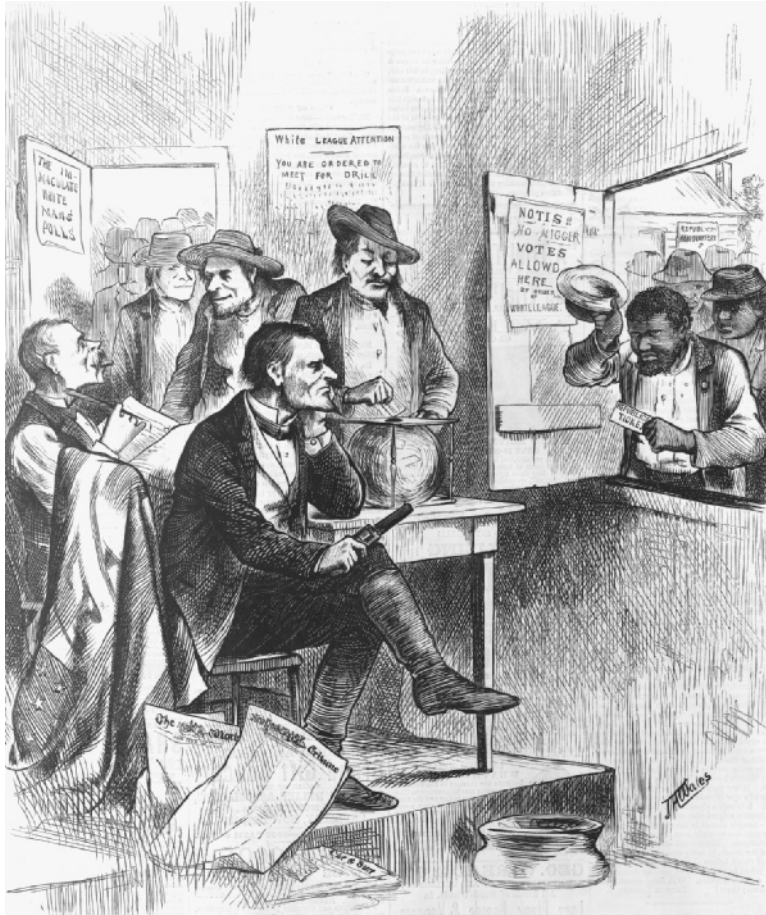
## White League

The White League was a paramilitary-style organization of white southern men that had emerged in **Louisiana** in 1874 to support the political objectives of the state's **Democratic Party**. By both intimidating its opponents and rallying potential supporters, the White League played a central role in the **Redemption** of the Pelican State.

The White League differed considerably from its predecessor in Louisiana, the Klan-like Knights of the White Camellia. Although the Knights sometimes attacked freedmen's agents or other representatives of Republican authority, they lacked political focus, directing most of their activities against the freedmen. Ultimately, the **Enforcement Acts** put an end to the Knight's activities in Louisiana. In contrast, the White League eschewed night riding for targeted military-style campaigns against prominent Republicans, and timed their activities for maximum political effect.

The White League emerged from Louisiana's contested gubernatorial election of 1872 between Republican **William Pitt Kellogg** and Fusion candidate, John McEnery. The defeated Fusionists, dominated by members of the Democratic Party, refused to recognize the legitimacy of Kellogg's government. Kellogg, however, enjoyed the support of President **Ulysses S. Grant** as well as the protection of the Metropolitan Police—essentially a private army of Louisiana's Republican Party. When the White League appeared in 1874, its





A woodcut from *Harper's Weekly* of African Americans being discriminated against at the polls by members of the "White League." (Courtesy of the Library of Congress.)

objective was to reverse the results of the election of 1872 and bring about Redemption.

The Redeemers used the White League to overcome two main obstacles. They needed to rally the support of disaffected white men around the Redemption crusade, and at the same time, form them into an army capable of challenging Kellogg's Metropolitan Police. To accomplish this, the league staged rallies where they promoted the idea of white supremacy, declaring the Democratic Party the "white man's party." At the same time, the White League took on a military character, purchased weapons, and organized itself into companies.

Because the White League lacked a statewide organizational structure, its character varied considerably from parish to parish. In some locations, the league relied mostly upon both physical and economic intimidation to accomplish its goals. In Red River Parish, however, a rural chapter of the White League assassinated several members of the local Republican government and severely wounded the parish's state senator, **Marshall H. Twitchell**.

In September 1874, a full-scale battle took place between more than 1,000 members of the Crescent City White League and several hundred of the Republican's Metropolitan Police on Canal Street in New Orleans. The clash produced more than thirty fatalities and led to the temporary overthrow of Governor Kellogg. Although President Grant sent federal troops to Louisiana to restore Kellogg's Republican regime, he left the White League unmolested. Grant's failure to punish the White League's leaders only strengthened the organization.

The White League played its final role during the contested national **election of 1876**. As had been the case in 1872, both the Republicans and Democrats claimed victory in Louisiana's gubernatorial election in 1876. Nationally, the electoral contest hinged on the outcome in Louisiana and two other unredeemed southern states. The **Compromise of 1877** resolved this conflict by giving the presidency to Republican **Rutherford B. Hayes** of Ohio. In return, Hayes ordered federal troops to abandon the remaining southern Republican regimes. With this turn of events, the White League forcibly ejected the Republican Party's claimant to the governorship of Louisiana, and seated in his stead the Redeemer governor, **Francis Redding Tillou Nicholls**. After Redemption, the White League formed the core of the official Louisiana National Guard. *See also* Longstreet, James; Redemption; Violence.

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*Justin A. Nystrom*

### **Wilson, Henry (1812-1875)**

Excepting perhaps **Abraham Lincoln**, Henry Wilson may be the best example of the nineteenth century's self-made man and the rise of democracy. Both men began as artisans and moved into politics; both were filled with the desire for status and fame; both men attacked the slave power, but each in his own way and with unique political timing.

Born Jeremiah Jones Colbath to parents Winthrop Colbath, Jr., an unsuccessful farmer, and Abigail Witham, the family was nearly begging poor, living a tough existence in the stubborn soil of Farmington, New Hampshire. At the age of ten, Jeremiah became an apprentice to a local farmer until twenty-one years of age. Set free from that agreement, Jeremiah changed his name to Henry Wilson and turned away from **agriculture** to follow the business of being a cobbler. This he apparently practiced unsuccessfully for a time in Natick, Massachusetts. His formal **education** was meager, but he read widely and overcame a speech problem by organizing a debating society of fellow ambitious young men.

Although details vary, Wilson's shoemaking eventually prospered and he was economically comfortable by 1840, when he married Harriet Malvina

Howe. They had one child. She was a devoted wife, but often lonely due to Wilson's desire to begin pursuing a political career. Although he employed more than 100 workers in his shoe manufactory, Wilson was not content to remain a manufacturer of shoes. For twelve years, he was elected to the Massachusetts state legislature.

Politics became his life, and ideology and public policy was food and drink. Early on, he sang the praises of the free **labor system** (as part of the national market revolution) and railed against the slave power of the South. Although part of the supervisory "managerial-owners" class, his free labor ideology meant that black and white workers suffered from many of the same problems of exploitation and alienation. Wilson believed that just legislation could correct this imbalance between classes.

As with other progressive early industrialists, Wilson advocated many of the reform movements of the day. Temperance (meaning a reduction in alcohol consumption), support for public education, abolition of lien laws, and imprisonment for debt were issues that supported his contention that the reform of society would rescue men from evil situations.

His reformism extended to **African Americans** who were not enslaved, the free blacks. Wilson called for ending segregated schools, and openly supported a **civil rights** law for them. His political opposition to the slave power was strong and constant. While his economic interests bound him to the Whig Party, his opposition to slavery and the southern labor system moved him into the Free Soil Party in the early 1850s, and in time to the Republican Party. Wilson was active in owning and editing several newspapers (such as the *Boston Republican*), which advanced his agenda. By 1855, he was elected to the U.S. Senate, to which he was returned three times. As an early member of the Republican Party, Wilson put his energies to use, and became a major speaker and organizer for the new organization.

Wilson supported Republican nominee Abraham Lincoln in the 1860 campaign, and moved to the forefront of the **Radical Republican** movement. Unlike other members of this wing, his attitude did not seem anti-Lincoln, or even anti-South, at least not as compared to others. Instead, he fit into the Radical fold because of his unswerving advocacy of **emancipation** and black rights. As chairman of the Senate Military Affairs Committee, he produced the 1862 Militia Draft Act, and the 1863 Enrollment Act—the first draft (conscription) by the federal government in American history (the Confederacy had moved to draft a year earlier). At the same time, Wilson called for an emancipation proclamation and the recruiting of African Americans into the Union army. In the **District of Columbia**, he led the fight to outlaw slavery and provided civil liberties in the district. At a critical time, Wilson gave his support to the proposal to create the **Bureau of Refugees, Freedmen, and Abandoned Lands**. Wilson's radicalism was always tempered by a realistic appreciation of what was possible via such a governmental policy and its limits.

After the war, Wilson hoped for a speedy restoration, but truly expected that the defeated South, recognizing the error of its ways, would accept certain changes and move on. He supported the generous terms set forth by Lincoln, and even allowed President **Andrew Johnson** a degree of patience, but

former Confederates' behavior after the war stunned Wilson. He thought a policy of understanding would lead to a healing process similar in tone to Lincoln's speeches. **Violence**, the election of former Confederates to office, the creation of **Black Codes**, and the wanton disregard for the situation of the freedpeople dashed his hopes. Like many other Republicans, Wilson resorted to federal protection for the freedmen's civil liberties. As a result he supported the **Congressional Reconstruction** program, and worked closely with Massachusetts senator **Charles Sumner**.

Wilson, never content with only a single issue, lent his acumen and energy to other causes, even while the Reconstruction battle waged. He pushed an eight-hour workday for government workers, endorsed women's **suffrage**, fought against the **contract** labor idea, supported civil service reform, and called for federal aid to education. Partly because of his strong party allegiance and partly to defend the party from **Liberal Republican** attacks, Wilson earned a berth on the Republican ticket in 1872, beside incumbent **Ulysses S. Grant**. Generally ignored by the Grant White House, Wilson wrote a three-volume work entitled *History of the Rise and Fall of the Slave Power in America* (1872), still a useful source. He wrote several other works of history. Wilson died while vice president, in his capitol office.

Only after his death did his contemporaries recognize his achievements. His support of social justice for African Americans, slave and free, was only one of his many causes. In some way, Henry Wilson's life and career were larger and more significant than the sum of their parts. The nineteenth century saw the rise of democratic nationalism, and the uplift of the common man. Wilson lived and promoted this, but also understood that, at times, only the federal government had the power necessary to guarantee opportunity and justice. His thinking was a century ahead of its time. *See also* Amnesty Proclamations; Black Suffrage; Cincinnati Convention; Civil Rights Act of 1866; Confiscation Acts; Freedmen's Bureau Bills; Greeley, Horace; Presidential Reconstruction; Readmission; Women's Movement.

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*Donald K. Pickens*

## Women's Movement

In the decade after the Civil War, the women's rights movement, by then some thirty years old, became, for the first time, an independent force in American civil and political life with newly focused goals, strategies, and working alliances. The early feminists were **abolitionists** who had adopted the egalitarian rhetoric of antislavery for the women's cause. As Reconstruction began, they hoped that the extraordinary political revolution that was to guarantee **black suffrage** (for males) would also do so for women. However, when women's rights advocates realized that their erstwhile allies, now

leading **Radical Republicans** in the dominant national party, were not going to aid them, they cut their movement loose from the abolitionists, sought new allies, employed new arguments, and recruited new activists to the cause. A more conservative movement resulted and took shape during Reconstruction, and it is this force that eventually won the vote for women in 1920.

### *Reformers and the Antebellum Movement*

In the 1830s, a few women, concerned with racial inequality, also began publicly voicing grievances about the many civil and social disabilities under which American women lived. Maria Stewart, an **African American** and the first woman to address a public audience of both men and women, spoke poignantly about the fate of educated African American women being denied access to anything but domestic labor. Not long after, Angelina Grimke, a white antislavery activist, spoke out before mixed audiences on behalf of women's moral responsibility to bear witness against slavery. Challenging clerical injunctions to women to be passive and obedient to men, she argued that the civil and social oppression of women unjustly prevented human beings, equal in God's eyes, from exercising their natural right to choose righteous conduct and their own salvation. Because men and women, unlike blacks and whites, were biologically different, she coined the term "coequality" to describe their identical moral capacities. This word meant that the differences between men and women did not justify women's unequal civil status.

Lucretia Mott and **Elizabeth Cady Stanton**, both abolitionists and feminists, met in 1840, but not until 1848 were they able to organize a convention to discuss women's rights. Stanton drew up the Declaration of Sentiments, which self-consciously echoed the Declaration of Independence and articulated the grievances and demands of women, including the most radical demand—**suffrage**. Stanton's husband, Henry, was an abolitionist and politician who had broken in 1840 with the abolitionist, **William Lloyd Garrison** and those of his followers who eschewed political participation with a government that sanctioned property in slaves. Like her husband, Elizabeth Stanton believed in politics and like Angelina Grimke, she distrusted organized religion. In the late antebellum period, states had lifted almost all restrictions that barred white males from voting. Election turnout was extremely high, and most Americans saw the vote as the foremost tool and guarantee of democracy. Stanton's inclusion of suffrage, which even Mott did not support initially for fear of attracting ridicule, gave a secular, political direction to a hitherto amorphous movement.

Stanton quickly rose to prominence among feminists, particularly after 1851, when she joined forces with abolitionist and women's rights proponent Susan B. Anthony, a legendarily energetic organizer who helped Stanton with her domestic responsibilities so that the latter could draft position papers, letters, and calls to action. Stanton's witty and lucid writing, wide-ranging intellect, and her willingness to engage with delicate subjects like divorce and birth control energized the movement throughout the 1850s. Both she and Anthony lectured tirelessly on behalf of women's rights.

### *Opportunities in the Aftermath of War*

During the Civil War, feminists, who were almost all abolitionists, gave their support to the Union and to the **emancipation** effort. Toward the end of the war, Stanton and Anthony formed the Women's National Loyal League and together gathered 400,000 signatures for Massachusetts senator **Charles Sumner** to present to Congress supporting emancipation.

With the Union victory, women's rights leaders believed that after their years of hard work on behalf of slaves, women would be rewarded with the vote by their newly empowered Radical Republican friends. The intense focus on black suffrage reinforced women's views that it was a moment for great changes. However, in the view of most abolitionists, black men needed the vote more urgently than women, so they could protect themselves at a time when white southerners were eager to nullify emancipation. Furthermore, Radical Republicans understood that black suffrage meant millions of new Republican voters who would give the northern-based party a large southern presence, while the practical promise of woman suffrage was unknown. Reflecting the same political views that had led many to split from Garrisonian abolitionists over women's public participation in 1840, Republican Party leaders would not dilute the strength of their efforts on behalf of black men by including woman suffrage in their program. Stanton, betraying an instrumental view of black suffrage, thought women should, "when the constitutional door is open . . . avail ourselves of the strong arm and blue uniform of the black soldier to walk in by his side." In an initiative feminists called the New Departure, they tried to remove the word "male" from the **Fourteenth Amendment** and represent it as authorizing universal (i.e., male and female) suffrage. However, Stanton's Republican allies, and many abolitionist feminists did not agree. Congress passed the Fourteenth Amendment in June 1866 to strengthen the precarious position of blacks in the South. **Race riots** and southern white hostility to the Fourteenth Amendment strengthened the case for black, but not women's, suffrage. Congress gave black men the franchise in the **District of Columbia** and the territories in January 1867, and imposed it on the former Confederate states with the **Military Reconstruction Acts** of March 1867.

### *1868: New Organizations, New Arguments, New Allies*

Stanton and Anthony, feeling betrayed and isolated, employed increasingly desperate gambits. They tried briefly to turn Republican attention to the plight of **disfranchised** black women in an unsuccessful try to gain their support for universal (i.e., male and female) suffrage. (This would be the only time white feminists paid particular attention to the needs of black women.) In 1867, New York and Kansas were holding referenda on black and women's suffrage, and abolitionist-feminists Lucy Stone and Henry Blackwell campaigned for women's suffrage there. When Stanton and Anthony took their turn at campaigning in Kansas, they were enraged that the Republicans not only withheld badly needed support, but also overtly waged an antifeminist countercampaign. Stanton and Anthony turned to the **Democratic Party** and to the racist entrepreneur, George Francis Train, for money and aid. With this

move, they began the process that split the women's rights movement, separating feminism from its abolitionist antecedents and signaling their willingness to try to attract a broader and in some ways more conservative constituency, with arguments that employed racism and elitism. Out of this schism, Stanton and Anthony formed a new woman-only organization, the National Woman Suffrage Association (NWSA), purged of many of its abolitionist former allies, who would form the American Women's Suffrage Association, with male and female membership. These groups would not merge until 1890, by which time, black southern voters had been largely disfranchised with little protest from white reformers.

From January until July 1868, Stanton and Anthony tried unsuccessfully to convince the Democrats to include a women's suffrage plank in their platform, but Democrats, much as they would have liked embarrassing the Republicans, were too wedded to the ideology of racial and gender exclusivity associated with the white workingman to come out for a reform supporting women.

Frustrated again, Stanton and Anthony saw in the recently formed National Labor Union a potential ally. Workers emerged from the Civil War more numerous from ongoing immigration and the growth of wage labor, battered by inflation and pay cuts, and increasingly aware that a wage **labor system** was not likely to be a step along the road to an artisan's independence, but a lifelong condition of dependence. Stanton and Anthony, who employed female typesetters to publish their new journal, *The Revolution*, joined with them to create the Working Women's Association, an alliance that they hoped would broaden the base for women's suffrage. However, the feminists failed to understand that economic issues were of much more immediate concern to women workers than the long-range, indirect promise of the vote, and when the typesetters struck against the printer of *The Revolution*, Anthony and Stanton, without consulting their allies, turned to the printer with an antilabor proposal. With this move, they betrayed their middle-class bias and their desire to reconcile the classes, not to understand and promote the point of view of the workers. Stanton and Anthony, radical on gender, were more in tune on labor issues with postwar liberals who took control of the Republican Party from the Radicals and worked to stabilize the power of the upper classes in both the North and South and to contain dissent from the poor, both white and black. Stanton and Anthony lost their working-class allies, but found a congenial and growing constituency among professional women who saw the vote as crucial to full citizenship. They were attracted to the Working Women's Association and over time transformed it into a white middle-class woman's suffrage organization.

Faced with the **Fifteenth Amendment** in 1870, which again ignored women, the NWSA, in another **New Departure**-inspired challenge, claimed that the effect of the Fourteenth and Fifteenth Amendments was to have enfranchised women, even if inadvertently, along with blacks. Susan B. Anthony and others voted in Rochester to test their case in 1873. Anthony's argument for the vote, which was a significant change from prewar strategy as well as contradictory to it, now claimed not only women's equality but also their natural moral superiority. The superiority argument, combined with

assertions that educated white women deserved the vote more than illiterate blacks and immigrants, remained a staple of the movement for the rest of the century. It had broad appeal among women, unconvinced by radical egalitarian claims that seemed to threaten family structure and male authority. The New Departure challenges reached the **Supreme Court** in 1875, with the claim that Virginia Minor of Missouri was illegally prevented from exercising her right to vote as guaranteed under the Reconstruction amendments (*Minor v. Happersett*, 88 U.S. 162). The Supreme Court decided that the Fifteenth Amendment only extended its protection to freedmen.

Feminists were not able to use Reconstruction directly to get the franchise for women, but the political struggles in which they engaged resulted in an independent movement, focused it on suffrage, and helped identify its constituency. Stanton had predicted that once the doors that Reconstruction opened had shut again, women would make little progress. She was right. By the turn of the century, women could vote only in Wyoming, Idaho, Utah, and Colorado. Not until 1920, with the ratification of the Nineteenth Amendment to the **U.S. Constitution**, would women earn a national guarantee of the right to vote. *See also* Abolition of Slavery; Civil Rights; Contracts; Phillips, Wendell.

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*Martha Saxton*

### **Woodhull, Victoria C. (1838–1927)**

Victoria Woodhull, born Victoria Claflin in Homer, Ohio, and named for Queen Victoria of England, was a notable sex reformer and advocate for changes in the status of women in American society. After moving to New York, where she lived during the Reconstruction period, she ran a brokerage house, published a newspaper, spoke out for **suffrage** and free love, and became a celebrity for her radical views against marriage as it was practiced in the United States. Woodhull represented new trends involving women, work, and marriage after the Civil War, although she became mostly known as a radical sex reformer.

One of nine children in a family whose income depended on confidence games as much as her father's milling business, Woodhull was married to her first husband when she was fourteen. The couple had two children. Canning Woodhull turned out to be an alcoholic whom she divorced. Although she married two other men—Colonel James Blood and the Englishman John Biddulph Martin in 1883, she kept her first husband's surname. Encouraged by her family, the young Victoria practiced a form of medical healing that



depended on magnetic powers as well as those of her younger sister, Tennessee, who was even more gifted in the uses of the occult to cure disease. However, in Chicago, the death of a patient from their therapies led to charges of fraud.

In 1866, Victoria divorced Woodhull and married Colonel James Blood. The couple supported themselves through clairvoyant faith healing that took them all over the country. In 1868, after a vision, the entire Claflin family, including Victoria's sister, Tennessee, her two children, and her parents moved to New York where they impressed Cornelius Vanderbilt, the **railroad** magnate, and gained his financial support. With his backing, Woodhull and Claflin opened the first brokerage firm run by women on Wall Street. In the next decade through her words and actions, Victoria Woodhull became one of the most famous—and to some infamous—women in the United States.

Through her lecturing and writing, Woodhull spoke out for dress and dietary reform and the legalization of prostitution and free love, as well as the more mundane issue of tax reform. She had a gift for extemporaneous speeches delivered to large audiences, and soon she was known as the “Queen of the Rostrum.” In 1870, with her sister, she began publishing *Woodhull & Claflin's Weekly*. For the next six years, the paper became her printed voice for the expression of unconventional views. It was the first New York paper to print Karl Marx's *Communist Manifesto*, and more threatening to many, it promoted sex **education** to protect young girls from the seductive advances of older men as well as critiques of marriage. The paper also carried reports of various experiments in nonmarital sexual affiliations, as Woodhull became the chief exponent of the right of both men and women to change their sexual partners for love.



Victoria C. Woodhull reading her argument in favor of woman's voting before the Judiciary Committee of the House of Representatives, 1871. (Courtesy of the Library of Congress.)

Her reform activities drove her into the political arena. In 1871, Woodhull declared herself a candidate for president of the United States, though she failed to get on the ballot in any state. Her political involvement soon led to her association with **Elizabeth Cady Stanton** and Susan B. Anthony, the leaders of one branch of the post-Civil War woman's suffrage movement. Given her connections with prominent men, Woodhull became the first woman to testify before a U.S. congressional committee when in 1871, she urged the committee to support an amendment giving women the right to vote. Her argument for suffrage became an important one for the movement. She held that under the citizenship clause of the **Fourteenth Amendment**, women, born and naturalized in the United States, already had the right to vote. During the presidential year of 1872, Woodhull tried to take over the National Woman's Suffrage Association, but by this time her notoriety had become an embarrassment to the suffragists. Later, Anthony expelled her from the organized suffrage movement. In response, Woodhull created her own convention of spiritualists, free thinkers, and socialists under the name of the Equal Rights Party. She placed the name of the black **abolitionist Frederick Douglass**, without his permission, on this first female and interracial ticket in the history of the United States. Hardly expecting to win the election, Woodhull instead intended to push the two major parties to address her political hopes for the universal rights of two minority groups—blacks and women.

Along with her presidential campaign, in 1872, Woodhull exposed the affair of the famous Brooklyn minister Henry Ward Beecher who had committed adultery with one of his parishioners, Elizabeth Tilton. In what became the most celebrated sex **scandal** in the nineteenth century, Woodhull used Beecher as an explanation of why her radical notions about sex were valid. The affair revealed to her the adulterous hypocrisy of married men. In a special edition of *Woodhull & Claflin's Weekly*, Woodhull complained that Beecher—an example of what she despised as a “reverend rake”—refused to support the free love principles he practiced and she promoted. During the public controversy that followed, Woodhull and her sister were called prostitutes and lost the support of some of their followers. Demonstrating the power of the male establishment, Woodhull was arrested under a broad interpretation of the Comstock Law that forbade the circulation of obscene matter through the mails. Jailed for six weeks, Woodhull became the legal casualty of a system that did not tolerate unruly women.

By 1876, Woodhull's energetic efforts to create a coalition of reformers supporting the rights of women, free love, and the First Amendment right to express controversial sexual views ended. The progressive possibilities of Reconstruction had waned everywhere in the United States. Still, she believed that she had opened the avenues for discussion of what had been her great crusade—the achievement of universal rights, including those of sex. Her newspaper folded in 1876; she divorced her husband, Colonel Blood, on the grounds of adultery, and she moved to England where she met the banker John Biddulph Martin, who became her third husband in 1883. Thereafter, she lived quietly on his estate until she died in 1927 at the age of eighty-eight. *See also* Fifteenth Amendment; Women's Movement.

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*Jean H. Baker*

### **Worth, Jonathan (1802–1869)**

Jonathan Worth, lawyer, businessman, Whig politician, state treasurer, peace advocate, and **Presidential Reconstruction** governor, was born on November 18, 1802, in Randolph County, **North Carolina**. As the son of a county doctor, Worth enjoyed a variety of **education** opportunities. The most significant such opportunity came in 1823, when he relocated to Hillsborough to study law with the eminent judge Archibald DeBow Murphey, who became both the young man's mentor and friend. Murphey also helped his protégé find love, as Worth married his mentor's niece, Martitia.

After completing his legal training, Worth established his own law practice and entered public service as a member of the Whig Party. Between 1830 and 1860, he held a variety of state offices. During the Nullification Crisis in the early 1830s, Worth demonstrated a strong devotion to the Union that informed his politics throughout this period. Like his mentor Murphey, Worth fought for internal improvements and improved public education throughout North Carolina. Such issues meshed neatly with his private business ventures. Worth's keen interest in the development of textile mills and the creation of public roads placed him among the propertied class of white men that dominated southern politics prior to the Civil War.

### ***Civil War Treasurer and Peace Advocate***

The secession crisis weighed heavily on Whigs like Worth who resisted the idea of disunion, but as the crisis deepened, he had to take a stand. State senator Worth confronted secession head-on as the legislature debated a bill calling for a statewide secession convention. When the bill finally faced a vote, only Worth and two other legislators rejected it.

The attack on Fort Sumter in Charleston Harbor forced North Carolinians to choose between joining the Confederacy and suppressing the rebellion. When his state chose the Confederacy in late May 1861, Worth reconciled himself to secession. Ironically, secession proved favorable to Worth's political career. Like many former Whigs, Worth found himself in a new political party soon after the war began. As North Carolinians realized that the war required greater sacrifice than the secessionists led them to believe, they found a new alternative in the Conservative Party. Although little more than the Whigs under a new guise, the Conservatives placed former Whigs in the ascendance, and Worth became the state's treasurer under Conservative governor Zebulon B. Vance in 1862.

Despite able service as treasurer, Worth grew increasingly disenchanted with the Confederacy. Frequent squabbles with national officials over financial

matters and the relationship between the state and federal governments reaffirmed the treasurer's belief that secession was wrong after all. He became involved in a statewide peace movement in 1863. The leader of the peace movement, **William W. Holden**, was a powerful newspaper editor and founding member of the Conservative Party who found Worth to be a capable ally. Still, Worth's cordial relationship with Vance meant the treasurer had to guard his peace sentiments. North Carolina's peace movement, however, did little to hasten the Confederacy's demise. In 1864, Vance won reelection as governor in a landslide over Holden on a platform of independence at any cost. Worth thus busied himself with recovering lost or stolen state property during the war's final months.

### *Conservative Reconstruction Governor*

On May 29, 1865, President **Andrew Johnson** initiated his Reconstruction policy with a series of proclamations, using his native state of North Carolina as a model. In his North Carolina fiat, he appointed the former peace leader Holden **provisional governor** and ordered him to reorganize the state government and convene a state **constitutional convention**. Now in the office that had been denied him only a few months earlier by North Carolina's voters, the editor undertook the tasks before him. He appointed new local officials, advised President Johnson on pardoning former Confederates, and called a constitutional convention into session.

Despite their working relationship in the peace movement, Holden's actions as governor strained his relationship with Worth. The provisional governor hoped to create a political base that would keep him in office, so he attempted to appoint men to local office that favored his policies and used his influence over men's **pardons** to gain their support. Worth resented Holden's actions because he felt that the governor endorsed the pardons of former Confederates while stymieing the **amnesty** petitions of former Whigs who might stunt Holden's political ambitions. The constitutional convention's repudiation of the state's wartime debts also rankled Worth, who still served as public treasurer. Repudiating the debt was a divisive issue in the convention, but when President Johnson demanded its repudiation, Holden acquiesced.

The growing differences between Holden and Worth proved beneficial to the Conservative Party's search for a candidate to oppose Holden in the gubernatorial election scheduled for November 9, 1865. Conservatives needed to be careful. A candidate too closely associated with secession and the war might upset the president and Congress, but they also desired a man of conservative political principles who would preserve as much of the antebellum status quo as possible. Worth's record as a pro-Union Whig before the war and as Confederate state treasurer suited the Conservatives' needs perfectly. During the abbreviated campaign, Holden's supporters boldly claimed that a vote for Worth would continue Reconstruction, while a ballot cast for Holden would restore the Union. Such tactics failed. Worth carried most of the eastern and central parts of the state en route to an impressive victory, while Holden carried many of the mountain counties and their higher number of white Unionists.

Once in office, Worth demonstrated a strong ideological commitment to the president's Reconstruction policy. The new governor felt that the former Confederate states should be returned to the Union once they repudiated secession and abolished slavery. A quick restoration complemented Worth's political ideology, which limited public power to white male property holders. Thus, for him, reliance upon former Confederates was neither a contradiction nor an obstacle to restoration since those wartime leaders were the exact class and type of official that Worth wanted to oversee the state's reorganization. Like most white men with substantial property, Worth understood his world from the household outward. White men controlled their homes, where women, children, and **African American** servants were dependents. The white male head of household cared for his dependents, Worth believed, and they obeyed him in exchange for his protection. The former Whig, Worth was anxious to restore both civil government and this social arrangement.

### *Conflict with Federal Officials*

Politics as usual did not come as easily as Worth hoped. Blacks asserted their rights and struggled to gain control over their families. Lower-class whites, many of whom resented shouldering what they felt was an unfair share of wartime sacrifices, also challenged the political hierarchy that the governor sought to preserve. Such subversive behavior by "dependents" confused Worth. Soon, he decided that it was the federal officials, especially the army and **Bureau of Refugees, Freedmen, and Abandoned Lands**, which bore primary responsibility for upsetting the status quo. Worth believed that these organizations undermined the restoration of North Carolina's civil government, and he devoted himself to resisting them.

In particular, the Freedmen's Bureau galled Worth. Designed to oversee the South's transition from a slave to free labor society, the Freedmen's Bureau was empowered to supervise labor **contracts** between the former slaves and their former masters and to hold military courts to try cases involving blacks. Worth viewed the latter as a direct affront to civil authority. As executive of state laws, Worth believed he must uphold the state's judges and lawyers. Reports that Freedmen's Bureau agents intervened in state courts and, at times, overturned their decisions infuriated the governor. Although many of the bureau's reversals stemmed from the fact that North Carolina law barred black testimony or discriminated against blacks, Worth saw only their interference. For instance, he could not understand why bureau officials would revoke black children's apprenticeships to white former slave owners, largely because he could not fathom that black parents had the same parental rights as whites. Nor could he comprehend why an agent would dismiss charges against a black man after listening to his testimony, something the civil courts did not allow. To Worth, federal officials weakened the state and prolonged Reconstruction.

Worth became so frustrated with the federal presence by July 1866 that he became blind to several other problems. **Violence** raged across the state as Unionists and secessionists settled old scores, embittered whites lashed out at

former slaves, and poorer whites resisted tax collectors. From western North Carolina, reports of injustice done to Union men poured into Raleigh. Petitioners detailed charges against solicitors, judges, and other officials of persecuting men who remained loyal to the United States during the war. The governor dismissed each petition as a false report by bad men. Worse yet, he feared that such “fabrications” were an attempt by Holden and other opportunists to restore military government in the state in order to further their own political careers.

The challenges and tribulations of Reconstruction politics taxed Worth’s health. Near the end of his term, he battled a variety of ailments that limited his ability to perform his duties as governor. For that reason, his removal from office for a newly elected governor in 1868 granted him a grim sense of relief. Once out of office, however, Worth’s condition failed to improve. Efforts to forestall the inevitable failed, and he passed away in September 1869. *See also* Abolition of Slavery; Black Codes; Civil Rights; Civil Rights Act of 1866; Congressional Reconstruction; Emancipation; Labor Systems; Loyalty Oaths; Military Reconstruction Acts; Presidential Reconstruction; Thirteenth Amendment; Vagrancy.

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*Steven E. Nash*



# PRIMARY DOCUMENTS

## 1. President Abraham Lincoln's Emancipation Proclamation (January 1, 1863)

By the summer of 1862, Radical Republicans in Congress, military leaders, and the northern public were pushing for a more aggressive approach to crushing the Confederacy. At the same time, abolitionists reiterated that slavery and its immorality lay at the center of the sectional crisis. These two forces merged with President Abraham Lincoln's decision, shared with his cabinet in the summer of 1862, that he was ready for limited emancipation. On September 22, 1862, five days after Union forces repulsed General Robert E. Lee's invasion at the battle of Antietam, Lincoln announced the preliminary Emancipation Proclamation, to go into effect on January 1, 1863.

Historians still debate the impact and meaning of the proclamation. Issued as a war measure, it was limited in scope; it did not promote abolition, but merely emancipation, and did not even apply to the entire South, but its significance was still profound. The proclamation represents a complete reversal of the War Aims Resolution of 1861, as victory was now linked to emancipation. Also, the first inklings of equality can be seen, as the proclamation admits African Americans to military service.

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By the President of the United States of America:

A Proclamation.

Whereas, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:



“That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

“That the Executive will, on the first day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be, in good faith, represented in the Congress of the United States by members chosen thereto at elections wherein a majority of the qualified voters of such State shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not then in rebellion against the United States.”

Now, therefore I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief, of the Army and Navy of the United States in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do publicly proclaimed for the full period of one hundred days, from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof respectively, are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana (except the Parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James Ascension, Assumption, Terrebonne, Lafourche, St. Mary, St. Martin, and Orleans, including the City of New Orleans), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia (except the forty-eight counties designated as West Virginia, and also the counties of Berkley, Accomac, Northampton, Elizabeth City, York, Princess Ann, and Norfolk, including the cities of Norfolk and Portsmouth[]), and which excepted parts, are for the present, left precisely as if this proclamation were not issued.

And by virtue of the power, and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States, and parts of States, are, and henceforward shall be free; and that the Executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defence; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known, that such persons of suitable condition, will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution, upon military necessity, I invoke the considerate judgment of mankind, and the gracious favor of Almighty God.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this first day of January, in the year of our Lord one thousand eight hundred and sixty three, and of the Independence of the United States of America the eighty-seventh.

By the President: ABRAHAM LINCOLN  
WILLIAM H. SEWARD, Secretary of State.

SOURCE: <http://www.ourdocument.gov>.



## 2. President Abraham Lincoln's Proclamation of Amnesty and Reconstruction (December 8, 1863)

In the early winter of 1863, with the war going well, Lincoln made the first attempt to formalize Reconstruction. His proclamation, often called the Ten Percent Plan, represented a conservative approach, seeking more to conciliate errant rebels than punish them (note the suggestion, not requirement, to assist freedpeople). Lincoln hoped the olive branch would encourage southerners to bring a quicker end to the rebellion.

While the plan brought only meager results in the Confederacy, its impact at the federal level was profound. Lincoln respected Congress's traditional power to validate its own members, and even remarked that he was open to alternative plans for readmission. However, the emphasis on the president's pardoning power and the wartime situation placed Reconstruction under executive control, and its requirements angered Republicans who saw the war as an opportunity to reconstruct the South completely. This breach, between the Congress and the president, only widened with the accession of Andrew Johnson to the presidency.

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Abraham Lincoln. December 8, 1863.

### **PROCLAMATION OF AMNESTY AND RECONSTRUCTION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA**

Whereas, in and by the Constitution of the United States, it is provided that the President "shall have the power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment;" and

Whereas, a rebellion now exists whereby the loyal State governments of several States have for a long time been subverted, and many persons have committed, and are guilty of treason against the United States; and

Whereas, with reference to said rebellion and treason, laws have been enacted by Congress, declaring forfeitures and confiscations of property and

liberation of slaves, all upon terms and conditions therein stated, and also declaring that the President was thereby authorized at any time thereafter, by proclamation, to extend to persons who may have participated in the existing rebellion, in any State or part thereof, pardon and amnesty, with such exceptions and at such times and on such conditions as he may deem expedient for the public welfare; and

Whereas, the Congressional declaration for limited and conditional pardon accords with well established judicial exposition of the pardoning power; and

Whereas, with reference to said rebellion, the President of the United States has issued several proclamations, with provisions in regard to the liberation of slaves; and

Whereas, it is now desired by some persons heretofore engaged in said rebellion to resume their allegiance to the United States, and to reinaugurate loyal State Governments within and for their respective States; therefore,

I, Abraham Lincoln, President of the United States, do proclaim, declare, and make known to all persons who have, directly or by implication, participated in the existing rebellion, except as hereinafter excepted, that a full pardon is hereby granted to them and each of them, with restoration of all rights of property, except as to slaves and in property cases where rights of third parties shall have intervened, and upon the condition that every such person shall take and subscribe an oath, and thenceforward keep and maintain said oath inviolate, and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to-wit:

I, \_\_\_\_\_, do solemnly swear, in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States, and the Union of the States thereunder; and that I will, in like manner, abide by and faithfully support all acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified or held void by Congress, or by the decision of the Supreme Court; and that I will, in like manner, abide by and faithfully support all proclamations of the President made during the existing rebellion having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court. So help me God.

The persons exempted from the benefits of the foregoing provisions are all who are, or shall have been, civil or diplomatic officers or agents of the so-called Confederate Government: all who have left judicial stations under the United States to aid the rebellion; all who are or shall have been military or naval officers of said so-called Confederate Government above the rank of Colonel in the army or Lieutenant in the Navy; all who have left seats in the United States Congress to aid the rebellion; all who resigned commissions in the army or navy of the United States and afterward aided the rebellion; and all who have engaged in any way in treating colored persons, or white persons in charge of such, otherwise than lawfully as prisoners of war, and which persons may have been found in the United States service as soldiers, seamen, or in any capacity.

And I do further proclaim, declare, and make known that whenever, in any of the States of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama,

Georgia, Florida, South Carolina and North Carolina, a number of persons, not less than one-tenth in number of the votes cast in such State at the Presidential election of the year of our Lord one thousand eight hundred and sixty, each having taken the oath aforesaid and not having since violated it, and being a qualified voter by the election laws of the State existing immediately before the so-called act of secession, and excluding all others, shall reestablish a State government which shall be republican, and in no wise contravening said oath, such shall be recognized as the true government of the State, and the State shall receive thereunder the benefits of the constitutional provision which declares that “the United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and, on the application of the legislature, or the executive (when the legislature cannot be convened) against domestic violence.”

And I do further proclaim, declare, and make known, that any provision which may be adopted by such State government in relation to the freed people of such State, which shall recognize and declare their permanent freedom, provide for their education, and which may yet be consistent as a temporary arrangement with their present condition as a laboring, landless, and homeless class, will not be objected to by the National Executive.

And it is suggested as not improper that, in constructing a loyal State government in any State, the name of the State, the boundary, the subdivisions, the constitution, and the general code of laws, as before the rebellion, be maintained, subject only to the modifications made necessary by the conditions hereinbefore stated, and such others, if any, not contravening said conditions, and which may be deemed expedient by those framing the new State government.

To avoid misunderstanding, it may be proper to say, that whether members sent to Congress from any State shall be admitted to seats, constitutionally rests exclusively with the respective houses, and not to any extent with the Executive. And still further, that this proclamation is intended to present to the people of the States wherein the National authority has been suspended; and loyal State governments have been subverted, a mode in and by which the National authority and loyal State governments, may be re-established within said States, or, in any of them; and while the mode presented is the best the Executive can suggest, with his present impressions, it must not be understood that no other possible mode would be acceptable.

Given under my hand at the City of Washington, the eighth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States of America, the eighty-eighth.

By the President: Abraham Lincoln.  
William H. Seward, Secretary of State.

SOURCE: Edmund G. Ross, *History of the Impeachment of Andrew Johnson*, 1868, as reproduced online by the Yale University Avalon Project at <http://www.yale.edu/lawweb/avalon/avalon.htm>.



### **3. Wade-Davis Bill and President Abraham Lincoln's Veto of the Bill (July 1864)**

Lincoln's Ten Percent Plan triggered a storm of protest by congressional Republicans seeking more control over the fate of the South. Leading Radical Republicans, led by Senator Benjamin F. Wade of Ohio and Congressman Henry Winter Davis of Maryland, presented a counterproposal. As passed, this plan placed the Confederate states in a "territorial" status, used the military to oversee new governmental arrangements, and created far stricter criteria for determining voter eligibility (note the oath demanded clarification on past loyalty, while Lincoln's plan only asked for a profession of future loyalty). One similarity remained: Neither plan offered any direct federal assistance to the freedpeople.

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#### **WADE-DAVIS BILL**

A Bill to guarantee to certain States whose Governments have been usurped or overthrown a Republican Form of Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the states declared in rebellion against the United States, the President shall, by and with the advice and consent of the Senate, appoint for each a provisional governor, whose pay and emoluments shall not exceed that of a brigadier-general of volunteers, who shall be charged with the civil administration of such state until a state government therein shall be recognized as hereinafter provided.

SEC. 2. And be it further enacted, That so soon as the military resistance to the United States shall have been suppressed in any such state, and the people thereof shall have sufficiently returned to their obedience to the constitution and the laws of the United States, the provisional governor shall direct the marshal of the United States, as speedily as may be, to name a sufficient number of deputies, and to enroll all white male citizens of the United States, resident in the state in their respective counties, and to request each one to take the oath to support the constitution of the United States, and in his enrolment to designate those who take and those who refuse to take that oath, which rolls shall be forthwith returned to the provisional governor; and if the persons taking that oath shall amount to a majority of the persons enrolled in the state, he shall, by proclamation, invite the loyal people of the state to elect delegates to a convention charged to declare the will of the people of the state relative to the reestablishment of a state government subject to, and in conformity with, the constitution of the United States.

SEC. 3. And be it further enacted, That the convention shall consist of as many members as both houses of the last constitutional state legislature, apportioned by the provisional governor among the counties, parishes, or districts of the state, in proportion to the white population, returned as electors, by the marshal, in compliance with the provisions of this act. The provisional governor shall, by proclamation, declare the number of delegates to be elected by each county, parish, or election district; name a day of election not less than thirty days thereafter; designate the places of voting in each county,

parish, or district, conforming as nearly as may be convenient to the places used in the state elections next preceding the rebellion; appoint one or more commissioners to hold the election at each place of voting, and provide an adequate force to keep the peace during the election.

SEC. 4. And be it further enacted, That the delegates shall be elected by the loyal white male citizens of the United States of the age of twenty-one years, and resident at the time in the county, parish, or district in which they shall offer to vote, and enrolled as aforesaid, or absent in the military service of the United States, and who shall take and subscribe the oath of allegiance to the United States in the form contained in the act of congress of July two, eighteen hundred and sixty-two; and all such citizens of the United States who are in the military service of the United States shall vote at the head-quarters of their respective commands, under such regulations as may be prescribed by the provisional governor for the taking and return of their votes; but no person who has held or exercised any office, civil or military, state or confederate, under the rebel usurpation, or who has voluntarily borne arms against the United States, shall vote, or be eligible to be elected as delegate, at such election.

SEC. 5. And be it further enacted, That the said commissioners, or either of them, shall hold the election in conformity with this act, and, so far as may be consistent therewith, shall proceed in the manner used in the state prior to the rebellion. The oath of allegiance shall be taken and subscribed on the poll-book by every voter in the form above prescribed, but every person known by or proved to, the commissioners to have held or exercised any office, civil or military, state or confederate, under the rebel usurpation, or to have voluntarily borne arms against the United States, shall be excluded, though he offer to take the oath; and in case any person who shall have borne arms against the United States shall offer to vote he shall be deemed to have borne arms voluntarily unless he shall prove the contrary by the testimony of a qualified voter. The poll-book, showing the name and oath of each voter, shall be returned to the provisional governor by the commissioners of election or the one acting, and the provisional governor shall canvass such returns, and declare the person having the highest number of votes elected.

SEC. 6. And be it further enacted, That the provisional governor shall, by proclamation, convene the delegates elected as aforesaid, at the capital of the state, on a day not more than three months after the election, giving at least thirty days' notice of such day. In case the said capital shall in his judgment be unfit, he shall in his proclamation appoint another place. He shall preside over the deliberations of the convention, and administer to each delegate, before taking his seat in the convention, the oath of allegiance to the United States in the form above prescribed.

SEC. 7. And be it further enacted, That the convention shall declare, on behalf of the people of the state, their submission to the constitution and laws of the United States, and shall adopt the following provisions, hereby prescribed by the United States in the execution of the constitutional duty to guarantee a republican form of government to every state, and incorporate them in the constitution of the state, that is to say

First. No person who has held or exercised any office, civil or military, except offices merely ministerial, and military offices below the grade of

colonel, state or confederate, under the usurping power, shall vote for or be a member of the legislature, or governor.

Second. Involuntary servitude is forever prohibited, and the freedom of all persons is guaranteed in said state.

Third. No debt, state or confederate, created by or under the sanction of the usurping power, shall be recognized or paid by the state.

SEC. 8. And be it further enacted, That when the convention shall have adopted those provisions, it shall proceed to re-establish a republican form of government, and ordain a constitution containing those provisions, which, when adopted the convention shall by ordinance provide for submitting to the people of the state, entitled to vote under this law, at an election to be held in the manner prescribed by the act for the election of delegates; but at a time and place named by the convention, at which election the said electors, and none others, shall vote directly for or against such constitution and form of state government, and the returns of said election shall be made to the provisional governor, who shall canvass the same in the presence of the electors, and if a majority of the votes cast shall be for the constitution and form of government, he shall certify the same, with a copy thereof, to the President of the United States, who, after obtaining the assent of congress, shall, by proclamation, recognize the government so established, and none other, as the constitutional government of the state, and from the date of such recognition, and not before, Senators and Representatives, and electors for President and Vice President may be elected in such state, according to the laws of the state and of the United States.

SEC. 9. And be it further enacted, That if the convention shall refuse to reestablish the state government on the conditions aforesaid, the provisional governor shall declare it dissolved; but it shall be the duty of the President, whenever he shall have reason to believe that a sufficient number of the people of the state entitled to vote under this act, in number not less than a majority of those enrolled, as aforesaid, are willing to reestablish a state government on the conditions aforesaid, to direct the provisional governor to order another election of delegates to a convention for the purpose and in the manner prescribed in this act, and to proceed in all respects as hereinbefore provided, either to dissolve the convention, or to certify the state government reestablished by it to the President.

SEC. 10. And be it further enacted, That, until the United States shall have recognized a republican form of state government, the provisional governor in each of said states shall see that this act, and the laws of the United States, and the laws of the state in force when the state government was overthrown by the rebellion, are faithfully executed within the state; but no law or usage whereby any person was heretofore held in involuntary servitude shall be recognized or enforced by any court or officer in such state, and the laws for the trial and punishment of white persons shall extend to all persons, and jurors shall have the qualifications of voters under this law for delegates to the convention. The President shall appoint such officers provided for by the laws of the state when its government was overthrown as he may find necessary to the civil administration of the slate, all which officers shall be entitled to receive the fees and emoluments provided by the state laws for such officers.

SEC. 11. And be it further enacted, That until the recognition of a state government as aforesaid, the provisional governor shall, under such regulations as he may prescribe, cause to be assessed, levied, and collected, for the year eighteen hundred and sixty-four, and every year thereafter, the taxes provided by the laws of such state to be levied during the fiscal year preceding the overthrow of the state government thereof, in the manner prescribed by the laws of the state, as nearly as may be; and the officers appointed, as aforesaid, are vested with all powers of levying and collecting such taxes, by distress or sale, as were vested in any officers or tribunal of the state government aforesaid for those purposes. The proceeds of such taxes shall be accounted for to the provisional governor, and be by him applied to the expenses of the administration of the laws in such state, subject to the direction of the President, and the surplus shall be deposited in the treasury of the United States to the credit of such state, to be paid to the state upon an appropriation therefor, to be made when a republican form of government shall be recognized therein by the United States.

SEC. 12. And be it further enacted, that all persons held to involuntary servitude or labor in the states aforesaid are hereby emancipated and discharged therefrom, and they and their posterity shall be forever free. And if any such persons or their posterity shall be restrained of liberty, under pretence of any claim to such service or labor, the courts of the United States shall, on habeas corpus, discharge them.

SEC. 13. And be it further enacted, That if any person declared free by this act, or any law of the United States, or any proclamation of the President, be restrained of liberty, with intent to be held in or reduced to involuntary servitude or labor, the person convicted before a court of competent jurisdiction of such act shall be punished by fine of not less than fifteen hundred dollars, and be imprisoned not less than five nor more than twenty years.

SEC. 14. And be it further enacted, That every person who shall hereafter hold or exercise any office, civil or military, except offices merely ministerial, and military offices below the grade of colonel, in the rebel service, state or confederate, is hereby declared not to be a citizen of the United States.

### **PRESIDENT LINCOLN'S VETO OF THE WADE-DAVIS BILL**

By The President of the United States:

A Proclamation:

WHEREAS, at the late session, congress passed a bill to "guarantee to certain states, whose governments have been usurped or overthrown, a republican form of government," a copy of which is hereunto annexed;

And whereas the said bill was presented to the President of the United States for his approval less than one hour before the sine die adjournment of said session, and was not signed by him;

And whereas the said bill contains, among other things, a plan for restoring the states in rebellion to their proper practical relation in the Union, which plan expresses the sense of congress upon that subject, and which plan it is now thought fit to lay before the people for their consideration;



Now, therefore, I, ABRAHAM LINCOLN, President of the United States, do proclaim, declare, and make known, that, while I am (as I was in December last, when by proclamation I propounded a plan for restoration) unprepared by a formal approval of this bill, to be inflexibly committed to any single plan of restoration; and, while I am also unprepared to declare that the free state constitutions and governments already adopted and installed in Arkansas and Louisiana shall be set aside and held for nought, thereby repelling and discouraging the loyal citizens who have set up the same as to further effort, or to declare a constitutional competency in congress to abolish slavery in states, but am at the same time sincerely hoping and expecting that a constitutional amendment abolishing slavery throughout the nation may be adopted, nevertheless I am truly satisfied with the system for restoration contained in the bill as one very proper plan for the loyal people of any state choosing to adopt it, and that I am, and at all times shall be, prepared to give the executive aid and assistance to any such people, so soon as the military resistance to the United States shall have been suppressed in any such state, and the people thereof shall have sufficiently returned to their obedience to the constitution and the laws of the United States, in which cases military governors will be appointed, with directions to proceed according to the bill.

In testimony whereof; I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this eighth day of July, in the year of our [L S.] Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:  
WILLIAM H. SEWARD, Secretary of State.

SOURCE: <http://www.ourdocument.gov>.



#### 4. Platforms of the Union and Democratic Parties (1864)

After a very successful 1863, the Union war effort sputtered in 1864, raising new questions about the prosecution of the war and the fate of the Republican Party. So in 1864, Lincoln and the party leadership renamed the organization the “Union Party” to broaden the voting base. The platform speaks to unifying issues, and the controversial ones—such as promoting an abolition amendment—are carefully couched in terms of the war effort, the Constitution, and the Union.

Democrats hoped to capitalize on war weariness and antigovernment sentiment, with a focus on civil liberties and military oppression. Still, the Democratic Party clearly enunciated its mission: preservation of the Constitution and the Union. Neither the party nor its nominee for president, General George B. McClellan, condoned secession or acknowledged the Confederacy. As with the Union Party, preservation of the federal Union was the platform. The main difference was the means employed to achieve that end.

One should consider carefully the wisdom of the Republican/Union Party strategy, for the merging of various elements did help the party win in 1864, but that occurred with War Democrat and southern slaveholder Andrew Johnson as the party's vice presidential candidate.

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### UNION PARTY PLATFORM (JUNE 1864)

*Resolved*, That it is the highest duty of every American citizen to maintain against all their enemies the integrity of the Union and the paramount authority of the Constitution and laws of the United States; and that, laying aside all differences of political opinions, we pledge ourselves, as Union men, animated by a common sentiment and aiming at a common object, to do everything in our power to aid the Government in quelling by force of arms the Rebellion now raging against its authority, and in bringing to punishment due to their crimes the Rebels and traitors arrayed against it.

*Resolved*, That we do approve the determination of the Government of the United States not to compromise with Rebels, or to offer them any terms of peace, except such as may be based upon an unconditional surrender of their hostility and a return to their just allegiance to the Constitution and laws of the United States, and that we call upon the Government to maintain this position, and to prosecute the war with the utmost possible vigor to the complete suppression of the Rebellion, in full reliance upon the self-sacrificing patriotism, the heroic valor, and the undying devotion of the American people to the country and its free institutions.

*Resolved*, That as slavery was the cause, and now constitutes the strength of this Rebellion, and as it must be, always and everywhere, hostile to the principles of Republican Government, justice, and the National safety demand its utter and complete extirpation from the soil of the Republic; and that, while we uphold and maintain the acts and proclamations by which the Government, in its own defence, has aimed a death-blow at this gigantic evil, we are in favor, furthermore, of such an amendment to the Constitution, to be made by the people in conformity with its provisions, as shall terminate and forever prohibit the existence of Slavery within the limits or the jurisdiction of the United States.

*Resolved*, That the thanks of the American people are due to the soldiers and sailors of the Army and Navy, who have periled their lives in defence of their country and in vindication of the honor of its flag; that the nation owes to them some permanent recognition of their patriotism and their valor, and ample and permanent provision for those of their survivors who have received disabling and honorable wounds in the service of the country; and that the memories of those who have fallen in its defence shall be held in grateful and everlasting remembrance.

*Resolved*, That we approve and applaud the practical wisdom, the unselfish patriotism, and the unswerving fidelity to the Constitution and the principles of American Liberty, with which Abraham Lincoln has discharged, under circumstances of unparalleled difficulty, the great duties and responsibilities of the Presidential office; that we approve and endorse, as demanded by the emergency and essential to the preservation of the nation and as within the

provisions of the Constitution, the measures and acts which he has adopted to defend the nation against its open and secret foes; that we approve, especially, the Proclamation of Emancipation, and the employment of Union soldiers of men heretofore held in slavery; and that we have full confidence in his determination to carry these and all other Constitutional measures essential to the salvation of the country in to full and complete effect.

*Resolved*, That we deem it essential to the general welfare that harmony should prevail in the National Councils, and we regard as worthy of public confidence and official trust those only who cordially endorse the principles proclaimed in these resolutions, and which should characterize the administration of the Government.

*Resolved*, That the Government owes to all men employed in its armies, without regard to distinction of color, the full protection of the laws of war; and that any violation of these laws, or of the usages of civilized nations in time of war, by the Rebels now in arms, should be made the subject of prompt and full redress.

*Resolved*, That foreign immigration, which in the past has added so much to the wealth, development of resources, and increase of power to this nation—the asylum of the oppressed of all nations—should be fostered and encouraged by a liberal and just policy.

*Resolved*, That we are in favor of the speedy construction of the Railroad to the Pacific coast.

*Resolved*, That the National faith, pledged for the redemption of the public debt, must be kept inviolate, and that for this purpose we recommend economy and rigid responsibility in the public expenditures, and a vigorous and just system of taxation; and that it is the duty of every loyal State to sustain the credit and promote the use of the National currency.

*Resolved*, That we approve the position taken by the Government that the people of the United States can never regard with indifference the attempt of any European Power to overthrow by force or to supplant by fraud the institutions of any Republican Government on the Western Continent; and that they will view with extreme jealousy, as menacing to the peace and independence of their own country, the efforts of any such power to obtain new footholds for Monarchical Governments, sustained by foreign military force, in near proximity to the United States.

#### **DEMOCRATIC PARTY PLATFORM (AUGUST 1864)**

*Resolved*, That in the future, as in the past, we will adhere with unswerving fidelity to the Union under the Constitution as the only solid foundation of our strength, security and happiness as a people, and as a framework of government equally conducive to the welfare and prosperity of all the States, both northern and southern.

*Resolved*, That this convention does explicitly declare, as the sense of the American people, that after four years of failure to restore the Union by the experiment of war, during which, under the pretence of a military necessity, or war power higher than the Constitution, the Constitution itself has been disregarded in every part, and public liberty and private right alike trodden down and the material prosperity of the country essentially impaired—justice,

humanity, liberty and the public welfare demand that immediate efforts be made for a cessation of hostilities, with a view to an ultimate convention of the States, or other peaceable means, to the end that at the earliest practicable moment peace may be restored on the basis of the Federal Union of the States.

*Resolved*, That the direct interference of the military authorities of the United States in the recent elections held in Kentucky, Maryland, Missouri, and Delaware, was a shameful violation of the Constitution; and a repetition of such acts in the approaching election will be held as revolutionary, and resisted with all the means and power under our control.

*Resolved*, That the aim and object of the Democratic party is to preserve the Federal Union and the rights of the States unimpaired; and they hereby declare that they consider that the administrative usurpation of the extraordinary and dangerous powers not granted by the Constitution; the subversion of the civil by the military law in States not in insurrection; the arbitrary military arrest, imprisonment, trial and sentence of American citizens in States where civil law exists in full force; the suppression of freedom of speech and of the press; the denial of the right of asylum; the open and avowed disregard of State rights; the employment of unusual test-oaths, and the interference with and denial of the rights of the people to bear arms in defence, is calculated to prevent a restoration of the Union and the perpetuation of a government deriving its just powers from the consent of the governed.

*Resolved*, That the shameful disregard of the Administration to its duty in respect to our fellow-citizens who are now, and long have been, prisoners of war in a suffering condition, deserves the severest reprobation, on the score alike of public policy and common humanity.

*Resolved*, That the sympathy of the Democratic party is heartily and earnestly extended to the soldiery of our army and sailors of our navy, who are, and have been in the field and on the sea, under the flag of their country; and, in the event of its attaining power, they will receive all the care, protection, and regard that the brave soldiers and sailors of the Republic have so nobly earned.

SOURCE: Edward McPherson, *The Political History of the United States of America during the Period of Reconstruction*. 2nd ed. 1875; reprint, New York: Negro Universities Press, 1969.



## **5. General William T. Sherman's Special Field Order No. 15 (January 16, 1865)**

Despite all the federal pronouncements regarding slaves and slavery, not until Special Field Order No. 15 did anyone formulate an actual plan for dealing with the freedpeople after emancipation. General Sherman, no stranger to controversy, felled several birds with one stone: He punished the planters by confiscating their abandoned land, sought civil and economic security by providing homesteads for former slaves, and contrived a means of resurrecting the coastal economy. His plan predated the coming of the Freedmen's Bureau, the radical initiatives of Thaddeus Stevens, and even the Southern Homestead Act.

The radical and autonomous nature of the directive assured that it would not stand, and it collapsed when President Johnson returned the lands to their former owners. This problem of what next after freedom perplexed the nation for a generation.

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IN THE FIELD, SAVANNAH, GA., January 16th, 1865.

SPECIAL FIELD ORDERS, No. 15.

I. The islands from Charleston, south, the abandoned rice fields along the rivers for thirty miles back from the sea, and the country bordering the St. Johns river, Florida, are reserved and set apart for the settlement of the negroes now made free by the acts of war and the proclamation of the President of the United States.

II. At Beaufort, Hilton Head, Savannah, Fernandina, St. Augustine and Jacksonville, the blacks may remain in their chosen or accustomed vocations—but on the islands, and in the settlements hereafter to be established, no white person whatever, unless military officers and soldiers detailed for duty, will be permitted to reside; and the sole and exclusive management of affairs will be left to the freed people themselves, subject only to the United States military authority and the acts of Congress. By the laws of war, and orders of the President of the United States, the negro is free and must be dealt with as such. He cannot be subjected to conscription or forced military service, save by the written orders of the highest military authority of the Department, under such regulations as the President or Congress may prescribe. Domestic servants, blacksmiths, carpenters and other mechanics, will be free to select their own work and residence, but the young and able-bodied negroes must be encouraged to enlist as soldiers in the service of the United States, to contribute their share towards maintaining their own freedom, and securing their rights as citizens of the United States.

Negroes so enlisted will be organized into companies, battalions and regiments, under the orders of the United States military authorities, and will be paid, fed and clothed according to law. The bounties paid on enlistment may, with the consent of the recruit, go to assist his family and settlement in procuring agricultural implements, seed, tools, boots, clothing, and other articles necessary for their livelihood.

III. Whenever three respectable negroes, heads of families, shall desire to settle on land, and shall have selected for that purpose an island or a locality clearly defined, within the limits above designated, the Inspector of Settlements and Plantations will himself, or by such subordinate officer as he may appoint, give them a license to settle such island or district, and afford them such assistance as he can to enable them to establish a peaceable agricultural settlement. The three parties named will subdivide the land, under the supervision of the Inspector, among themselves and such others as may choose to settle near them, so that each family shall have a plot of not more than (40) forty acres of tillable ground, and when it borders on some water channel, with not more than 800 feet water front, in the possession of which land the military authorities will afford them protection, until such time as they can protect themselves, or until Congress shall regulate their title. The Quartermaster may, on the requisition of the Inspector of Settlements and Plantations,

place at the disposal of the Inspector, one or more of the captured steamers, to ply between the settlements and one or more of the commercial points heretofore named in orders, to afford the settlers the opportunity to supply their necessary wants, and to sell the products of their land and labor.

IV. Whenever a negro has enlisted in the military service of the United States, he may locate his family in any one of the settlements at pleasure, and acquire a homestead, and all other rights and privileges of a settler, as though present in person. In like manner, negroes may settle their families and engage on board the gunboats, or in fishing, or in the navigation of the inland waters, without losing any claim to land or other advantages derived from this system. But no one, unless an actual settler as above defined, or unless absent on Government service, will be entitled to claim any right to land or property in any settlement by virtue of these orders.

V. In order to carry out this system of settlement, a general officer will be detailed as Inspector of Settlements and Plantations, whose duty it shall be to visit the settlements, to regulate their police and general management, and who will furnish personally to each head of a family, subject to the approval of the President of the United States, a possessory title in writing, giving as near as possible the description of boundaries; and who shall adjust all claims or conflicts that may arise under the same, subject to the like approval, treating such titles altogether as possessory. The same general officer will also be charged with the enlistment and organization of the negro recruits, and protecting their interests while absent from their settlements; and will be governed by the rules and regulations prescribed by the War Department for such purposes.

VI. Brigadier General R. SEXTON is hereby appointed Inspector of Settlements and Plantations, and will at once enter on the performance of his duties. No change is intended or desired in the settlement now on Beaufort [Port Royal] Island, nor will any rights to property heretofore acquired be affected thereby.

BY ORDER OF MAJOR GENERAL W. T. SHERMAN

SOURCE: *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*. Series I, Volume 47, Part 2, pp. 60–62. Washington, DC: Government Printing Office, 1880–1901.



## 6. Thirteenth Amendment to the U.S. Constitution (Ratified December 18, 1865)

The two most important results of the Civil War were the preservation of the federal Union and the destruction of slavery. Slavery had begun to crumble during the war, through the actions of military officers, congressional acts, Lincoln's Emancipation Proclamation, and even the efforts of slaves themselves. But emancipation—gaining freedom—did not end slavery as an institution. By war's end, congressional Republicans, Lincoln, and even Johnson expected southern states to abolish slavery within their borders; but what of new states, or the North?

Sadly, the United States was well behind most other Western powers in abandoning the system on a national level (even eastern European empires had moved away from serfdom before the United States eradicated slavery). Not until the passage and ratification of the Thirteenth Amendment was slavery formally abolished as a legal institution in the United States.

The amendment said nothing of the freedpeople's rights or other privileges, and introduced a new component to amending the Constitution—the enforcement clause—which left the door open for congressional action in the future.

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### **ARTICLE XIII**

*Section 1.* Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist in the United States, or any place subject to their jurisdiction.

*Section 2.* Congress shall have power to enforce this article by appropriate legislation.



### **7. President Andrew Johnson's Proclamation for Reconstruction of North Carolina (May 29, 1865)**

Andrew Johnson became president with Congress not in session, so he independently embarked on a program to restore the former Confederate states to the Union. His program encompassed presidential direction, local civilian control, and an adherence to antebellum voting criteria. Two items were absent: a role for Congress and a consideration of the African Americans recently freed.

Johnson used the North Carolina model for other proclamations assigning provisional governors to other states. Although congressional Republicans refused to concur with the plan (they would not seat the congressmen and senators), they did not immediately overturn it (as they did with Lincoln's). Instead, they spent 1866 seeking a compromise. Ultimately, the presidential program's lenient treatment of former Confederates and glaring omissions concerning the status of the freedpeople led to a situation in the South that was irreconcilable with Confederate defeat.

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Whereas: The Fourth Section of the Fourth Article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a Republican form of Government, and shall protect each of them against invasion and domestic violence; and whereas, the President of the United States is, by the Constitution, made Commander-in-Chief of the Army and Navy, as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States, and to take care that the laws be faithfully executed; and whereas, the rebellion which has been waged by a portion of the people of the United States against the properly constituted authority of the Government thereof in the most violent and revolting form, but whose organized and armed forces have

now been almost entirely overcome has, in its revolutionary progress, deprived the people of the State of North Carolina of all civil government: and whereas, it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of North Carolina in securing them it, the enjoyment of a republican form of Government:

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States, and for the purpose of enabling the loyal people of said State to organize a State Government; whereby justice may be established, domestic tranquility insured, I, Andrew Johnson, President of the United States and Commander-in-Chief of the Army and Navy of the United States, do hereby appoint William W. Holden Provisional Governor of the State of North Carolina, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a Convention, composed of delegates to be chosen by that portion of the people of the said State who are loyal all to the United States and no others, for the purpose of altering or amending the Constitution thereof; and with authority to exercise, within the limits of said State, all the powers necessary and proper to enable such loyal people of the State of North Carolina to restore said State to its constitutional relations to the Federal Government, and to present such a republican form of State Government as will entitle the said State to the guarantee of the United States therefor, and its people to protection by the United States against invasion, insurrection and domestic violence: PROVIDED, that in any election that may be hereafter held for choosing delegates to any State Convention as aforesaid, no person shall be qualified as an elector, or shall be eligible as a member of such Convention, unless he shall have previously taken and subscribed to the oath of amnesty, as set forth in the President's Proclamation of May 29th, A.D. 1865, and is a voter qualified as prescribed by the Constitution and laws of the State of North Carolina in force immediately before the 20th of May, A.D. 1861, the date of the so-called ordinance of secession; and the said Convention, when convened, or the legislature that may be thereafter assembled, will prescribe the qualifications of electors, and the eligibility of persons to hold office under the Constitution and laws of the State—a power the people of the several States comprising the Federal Union have rightfully exercised from the origin of the Government to the present time. And I do hereby direct:

First—That the Military Commander of the Department, and all officers in the Military and Naval service, aid and assist the said Provisional Governor in carrying into effect this Proclamation, and they are enjoined to abstain from, in any way, hindering, impeding, or discouraging the loyal people from the organization of a State Government as herein authorized.

Second—That the Secretary of State proceed to put in force all laws of the United States, the administration whereof belongs to the State Department, applicable to the geographical limits aforesaid.

Third—That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes, and collectors of customs and revenue, and such other officers of the Treasury Department as are authorized by law, and put in execution the revenue laws of the United States within the provisional limits aforesaid. In making appointments, the preference shall be given to qualified



loyal persons residing in the districts where their respective duties are to be performed. But if suitable residents of the district shall not be found, then persons residing in other States or districts shall be appointed.

Fourth—That the Postmaster General proceed to establish post offices and post routes, and put into execution the postal laws of the United States within the said State, giving to loyal residents the preference of appointments: but if suitable residents are not found, then to appoint agents, etc., from other States.

Fifth—That District Judges for the judicial districts in which North Carolina is included, proceed to hold courts within said State, in accordance with the provisions of the Act of Congress. The Attorney General will instruct the proper officers to libel, and bring to judgment, confiscation and sale, property subject to confiscation, and enforce the administration of justice within said State in all matters within the cognizance and jurisdiction of the Federal Courts.

Sixth—That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits, and put in operation all Acts of Congress in relation to naval affairs having application to said State.

Seventh—That the Secretary of the Interior put in force all laws relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this 29th day of May, in the year, of our Lord 1865, and of the Independence of the United States the 89th.

By the President: Andrew Johnson.

William H. Seward. Secretary of State.

SOURCE: Edmund G. Ross, *History of the Impeachment of Andrew Johnson*, 1868, as reproduced online by the Yale University Avalon Project at <http://www.yale.edu/lawweb/avalon/avalon.htm>.



## 8. President Andrew Johnson's Amnesty Proclamations

Among many controversial elements in the struggle over Reconstruction were the issues of “amnesty” and “pardon.” On May 29, 1865, Johnson issued his first Amnesty Proclamation, through which, when taken in conjunction with his North Carolina proclamation, he attempted to build a loyal, moderate, white, voting coalition to steer states back to the Union. The amnesty favored Unionists and southern plain folk over Confederate leaders, whom Johnson blamed for secession. The proclamation also set forth a pardon policy, allowing those excluded from the amnesty an opportunity to apply directly to the president (through the attorney general’s office—see the sample below).

In his second proclamation of September 1867, Johnson expanded the amnesty and sharpened his earlier arguments: The nation was at peace, civil

authority was supreme, and the military had no jurisdiction when civil law was in effect. This was clearly aimed at the Military Reconstruction Acts passed in Congress the previous March. Johnson also hoped refranchised whites could counter newly enfranchised blacks.

His latter acts were more politically motivated. His July 1868 proclamation was intended to assist the Democratic Party in the fall elections, and possibly secure for him the party's presidential nomination. The "Christmas Amnesty" of 1868 affected only a few confederates, including Confederate president Jefferson Davis. (General Robert E. Lee had already applied to Johnson, but his application was "lost" until 1970; he was pardoned and granted citizenship by President Gerald R. Ford in 1975.) Davis refused to even ask for a pardon. He was finally pardoned and granted citizenship by a House resolution signed by President Jimmy Carter in 1978.

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### **FIRST AMNESTY PROCLAMATION (MAY 29, 1865)**

Whereas the President of the United States, on the 8th day of December, A.D. eighteen hundred and sixty-four, did, with the object to suppress the existing rebellion, to induce all persons to return to their loyalty, and to restore the authority of the United States, issue proclamations offering amnesty and pardon to certain persons who had directly, or by implication, participated in the said rebellion; and whereas many persons who had so engaged in said rebellion, have, since the issuance of said proclamations, failed or neglected to take the benefits offered thereby; and whereas many persons who have been justly deprived of all claim to amnesty and pardon thereunder by reason of their participation, directly or by implication, in said rebellion, and continued hostility to the Government of the United States since the date of said proclamations, now desire to apply for and obtain amnesty and pardon:

To the end, therefore, that the authority of the Government of the United States may be restored, and that peace, order, and freedom may be established, I, Andrew Johnson, President of the United States, do proclaim and declare that I hereby grant to all persons who have, directly or indirectly, participated in the existing rebellion, except as hereinafter excepted, amnesty and pardon, with restoration of all rights of property, except as to slaves, and except in cases where legal proceedings, under the laws of the United States providing for the confiscation of property of persons engaged in rebellion, have been instituted; but upon the condition, nevertheless, that every such person shall take and subscribe the following oath (or affirmation), and thenceforward keep and maintain said oath inviolate; and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to wit:

"I, \_\_\_\_\_, do solemnly swear (or affirm), in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States, and the union of the States thereunder; and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion, with reference to the emancipation of slaves: So help me God."

The following classes of persons are excepted from the benefits of this proclamation:

1st. All who are or shall have been pretended civil or diplomatic officers or otherwise domestic or foreign agents of the pretended government.

2d. All who left judicial stations under the United States to aid the rebellion.

3d. All who shall have been military or naval officers of said pretended confederate government above the rank of colonel in the army, or lieutenant in the navy.

4th. All who left seats in the Congress of the United States to aid the rebellion.

5th. All who resigned or tendered resignations of their commissions in the army or navy of the United States, to evade duty in resisting the rebellion.

6th. All who have engaged in any way in treating otherwise than lawfully as prisoners of war, persons found in the United States service as officers, soldiers, seamen, or in other capacities.

7th. All persons who have been or are absentees from the United States for the purpose of aiding the rebellion.

8th. All military and naval officers, in the rebel service, who were educated by the Government in the Military Academy at West Point or the United States Naval Academy.

9th. All persons who held the pretended offices of governors of States in insurrection against the United States.

10th. All persons who left their homes within the jurisdiction and protection of the United States, and passed beyond the Federal military lines into the pretended confederate States for the purpose of aiding the rebellion.

11th. All persons who have been engaged in the destruction of the commerce of the United States upon the high seas, and all persons who have made raids in to the United States from Canada, or been engaged in destroying the commerce of the United States upon the lakes and rivers that separate the British Provinces from the United States.

12th. All persons who, at the time when they seek to obtain the benefits hereof by taking the oath herein prescribed, are in military, naval, or civil confinement, or custody, or under bonds of the civil, military, or naval authorities, or agents of the United States, as prisoners of war, or persons detained for offences of any kind, either before or after conviction.

13th. All persons who have voluntarily participated in said rebellion, and the estimated value of whose taxable property is over twenty thousand dollars.

14th. All persons who have taken the oath of amnesty as prescribed in the President's proclamation of December 8, A.D. 1863, or an oath of allegiance to the Government of the United States since the date of said proclamation, and who thence forward kept and maintained the same inviolate.

*Provided*, That special application may be made to the President for pardon by any such person belonging to the excepted classes; and such clemency will be liberally extended as may be consistent with the facts of the case and the peace and dignity of the United States.

The Secretary of State will establish rules and regulations for administering and recording said amnesty oath, so as to insure its benefit to the people, and guard the Government against fraud.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the City of Washington, the twenty-ninth day of May, in the year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States the eighty-ninth.

Andrew Johnson

By the President:

William H. Seward, *Secretary of State*.

## SECOND AMNESTY PROCLAMATION (SEPTEMBER 7, 1867)

Whereas, in the month of July, anno Domini 1861, the two houses of Congress, with extraordinary Unanimity, solemnly declared that the war then existing was not waged on the part of the Government in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of the States, but to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired, and that as soon as these objects should be accomplished the war ought to cease;

And whereas the President of the United States, on the eighth day of December, anno Domini 1863, and on the twenty-sixth day of March, anno Domini 1864, did, with the objects of suppressing the then existing rebellion, of inducing all persons to return to their loyalty, and of restoring the authority of the United States, issue proclamations offering amnesty and pardon to all persons who had directly or indirectly participated in the then existing rebellion, except as in those proclamations was specified and reserved;

And whereas the President of the United States did, on the twenty-ninth day of May, anno Domini 1865, issue a further proclamation with the same objects before mentioned, and to the end that the authority of the Government of the United States might be restored, and that peace, order, and freedom might be established, and the President did, by the said last-mentioned proclamation, proclaim and declare that he thereby granted to all persons who had directly or indirectly participated in the then existing rebellion, except as therein excepted, amnesty and pardon, with restoration of all rights of property, except as to slaves, and except in certain cases where legal proceedings had been instituted, but upon condition that such persons should take and subscribe an oath therein prescribed, which oath should be registered for permanent preservation;

And whereas, in and by the said last-mentioned proclamation of the twenty-ninth day of May, anno Domini 1865, fourteen extensive classes of persons, therein specially described, were altogether excepted and excluded from the benefits thereof;

And whereas the President of the United States did, on the second day of April, anno Domini 1866, issue a proclamation declaring that the insurrection was at an end, and was thenceforth to be so regarded;

And whereas there now exists no organized armed resistance of misguided citizens or others to the authority of the United States in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi, Florida, and Texas, and the laws can be sustained and enforced therein by the proper civil authority, State or Federal, and the people of said States are well and loyally disposed, and have conformed, or, if permitted to do so, will conform in their legislation to the condition of affairs growing out of the amendment to the Constitution of the United States prohibiting slavery within the limits and jurisdiction of the United States;

And whereas there no longer exists any reasonable ground to apprehend, within the States which were involved in the late rebellion, any renewal thereof, or any unlawful resistance by the people of the said States to the Constitution and laws of the United States;

And whereas large standing armies, military occupation, martial law, military tribunals, and the suspension of the privilege of the writ of *habeas corpus* and the right of trial by jury, are, in time of peace, dangerous to public liberty, incompatible with the individual rights of the citizen, contrary to the genius and spirit of our free institutions, and exhaustive of the national resources, and ought not, therefore, to be sanctioned or allowed, except in cases of actual necessity for repelling invasion, or suppressing insurrection or rebellion;

And whereas a retaliatory or vindictive policy, attended by unnecessary disqualifications, pains, penalties, confiscations, and disfranchisements, now, as always, could only tend to hinder reconciliation among the people and national restoration, while it must seriously embarrass, obstruct, and repress popular energies and national industry and enterprise;

And whereas for these reasons, it is now deemed essential to the public welfare, and to the more perfect restoration of constitutional law and order, that the said last-mentioned proclamation, so as aforesaid issued on the 29th of May, A.D. 1865, should be modified, and that the full and beneficent pardon conceded thereby should be opened and further extended to a large number of the persons who, by its aforesaid exceptions, have been hitherto excluded from executive clemency:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby proclaim and declare that the full pardon described in the said proclamation of the 29th of May, A.D. 1865, shall henceforth be opened and extended to all persons who, directly or indirectly, participated in the late rebellion, with the restoration of all privileges, immunities, and rights of property, except as to property with regard to slaves, and except in cases of legal proceedings under the laws of the United States; but upon this condition, nevertheless: that every such person who shall seek to avail himself of this proclamation shall take and subscribe the following oath, and shall cause the same to be registered for permanent preservation, in the same manner and with the same effect as with the oath prescribed in the said proclamation of the 29th of May, 1865, namely:

“I, \_\_\_\_\_, do solemnly swear (or affirm), in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States, and the Union of the States thereunder; and that I will, in like manner, abide by and faithfully support all laws and proclamations which

have been made during the late rebellion, with reference to the emancipation of slaves: So help me God.”

The following persons, and no others, are excepted from the benefits of this proclamation, and of the said proclamation of the twenty-ninth day of May, 1865, namely:

First. The chief or pretended chief executive officers, including the President, Vice President, and all heads of departments of the pretended Confederate or rebel Government, and all who were agents thereof in foreign States and countries, and all who held, or pretended to hold, in the service of the said pretended Confederate Government, a military rank or title above the grade of brigadier general, or naval rank or title above that of captain, and all who were or pretended to be Governors of States, while maintaining, aiding, abetting, or submitting to and acquiescing in the rebellion.

Second. All persons who in any way treated otherwise than as lawful prisoners of war persons who in any capacity were employed or engaged in the military or naval services of the United States.

Third. All persons who, at the time they may seek to obtain the benefits of this proclamation, are actually in civil, military, or naval confinement or custody, or legally held to bail, either before or after conviction, and all other persons who were engaged directly or indirectly in the assassination of the late President of the United States, or in any plot or conspiracy in any manner therein connected.

In testimony whereof, I have signed these presents with my hand, and have caused the seal of the United States to be hereunto affixed.

Done at the city of Washington, the seventh day of September, in the year of our Lord one thousand eight hundred and sixty-seven, and of the Independence of the United States of America the ninety-second.

Andrew Johnson.

By the President:

William H. Seward,  
*Secretary of State.*

### **THIRD AMNESTY PROCLAMATION (JULY 4, 1868)**

Whereas in the month of July, A.D. 1861, in accepting the condition of civil war, which was brought about by insurrection and rebellion in several of the States which constitute the United States, the two Houses of Congress did solemnly declare that the war was not waged on the part of the Government in any spirit of oppression, nor for any purpose of overthrowing or interfering with the rights or established institutions of the States, but only to defend and maintain the supremacy of the Constitution of the United States, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired; and that so soon as these objects should be accomplished, the war on the part of the Government should cease;

And whereas the President of the United States has heretofore, in the spirit of that declaration, and with the view of securing for it ultimate and complete

effect, set forth several proclamations, offering amnesty and pardon to persons who had been or were concerned in the aforesaid rebellion, which proclamations, however, were attended with prudential reservations and exceptions, then deemed necessary and proper, and which proclamations were respectively issued on the 8th day of December, 1863, on the 26th day of March, 1864, on the 29th day of May, 1865, and on the 7th day of September, 1867;

And whereas the aid lamentable civil war has long since altogether ceased, with an acknowledged guarantee to all the States of the supremacy of the Federal Constitution and the Government thereunder; and there no longer exists any reasonable ground to apprehend a renewal of the said civil war, or any foreign interference, or any unlawful resistance by any portion of the people of any of the States to the Constitution and laws of the United States;

And whereas it is desirable to reduce the standing army, and to bring to a speedy termination military occupation, martial law, military tribunals, abridgement of freedom of speech and of the press, and suspension of the privilege of *habeas corpus*, and the right of trial by jury—such encroachments upon our free institutions in times of peace being dangerous to public liberty, incompatible with the individual rights of the citizen, contrary to the genius and spirit of our republican form of government, and exhaustive of the national resources;

And whereas it is believed that amnesty and pardon will tend to secure a complete and universal establishment and prevalence of municipal law and order, in conformity with the Constitution of the United States, and to remove all appearances and presumptions of a retaliatory or vindictive policy on the part of the Government attended by unnecessary disqualifications, pains, penalties, confiscations, and disfranchisements; and, on the contrary, to promote and procure complete fraternal reconciliation among the whole people, with due submission to the Constitution and laws:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do, by virtue of the Constitution and in the name of the people of the United States, hereby proclaim and declare, unconditionally and without reservation, to all and every person who directly or indirectly participated in the late insurrection or rebellion, excepting such person or persons as may be under presentment or indictment in any court of the United States having competent jurisdiction upon a charge of treason or other felony, a full pardon and amnesty for the offence of treason against the United States, or adhering to their enemies during the late civil war, with restoration of all rights of property except as to slaves, and except also as to any property of which any person may have been legally divested under the laws of the United States.

In testimony whereof I have signed these presents with my hand, and have caused the seal of the United States to be hereunto affixed.

Done at the city of Washington, the fourth of July, in the year of our Lord one thousand eight hundred and sixty-eight, and of the independence of the United States of America the ninety-third.

Andrew Johnson.

By the President:

William H. Seward, *Sec'y of State*.

#### FOURTH AMNESTY PROCLAMATION (DECEMBER 25, 1868)

Whereas the President of the United States has heretofore set forth several proclamations, offering amnesty and pardon to persons who had been or were concerned in the late rebellion against the lawful authority of the Government of the United States, which proclamations were severally issued on the 8th day of December, 1863, on the 26th day of March, 1864, on the 29th day of May, 1865, on the 7th day of September, 1867, and on the 4th day of July, in the present year;

And whereas the authority of the federal government having been re-established in all the States and Territories within the jurisdiction of the United States, it is believed that such prudential reservations and exceptions as of the dates of the said several proclamations were deemed necessary and proper may now be wisely and justly relinquished, and that a universal amnesty and pardon for participation in said rebellion extended to all who have borne any part therein will tend to secure permanent peace, order, and prosperity throughout the land, and to renew and fully restore confidence and fraternal feeling among the whole people, and their respect and attachment to the national government, designed by its patriotic founders for general good:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, by virtue of the power and authority in me vested by the Constitution, and in the name of the sovereign people of the United States, do hereby proclaim and declare unconditionally, and without reservation, to all and to every person who directly or indirectly participated in the late insurrection or rebellion, a full pardon and amnesty for the offence of treason against the United States, or of adhering to their enemies during the late civil war, with restoration of all rights, privileges, and immunities under the Constitution and the laws which have been made in pursuance thereof.

In testimony whereof I have signed these presents with my hand, and have caused the seal of the United States to be hereunto affixed.

Done at the city of Washington, the 25th day of December, in the year of our Lord 1868, and of the independence of the United States of America the ninety-third.

Andrew Johnson.

By the President:

F.W. Seward.  
*Acting Secretary of State*.

SOURCE: Edward McPherson, *The Political History of the United States of America during the Period of Reconstruction*. 2nd ed. 1875; reprint, New York: Negro Universities Press, 1969.





## 9. Sample Application for Presidential Pardon, with Loyalty Oath (August 1865)

President Andrew Johnson's amnesty and Reconstruction plans were generous to former confederates, but thousands found themselves within the "exceptions" and thus disfranchised or otherwise disadvantaged. Some estimates place more than 100,000 men in these categories. Their recourse was in the pardon application. This package included witnessed evidence of the loyalty oath, a personal letter of introduction and explanation, and various supporting documentation. The package was forwarded through the state government to the pardon offices of the U.S. attorney general, and finally filed with the secretary of state. A rather notorious industry of "pardon brokers" appeared to shepherd (for a price) the application through the bureaucracy.

The president received thousands of applications, and he—or a proxy—granted most. The purpose of the whole process is still unclear, and many historians argue that it was merely Johnson's way of belittling the southern power base he resented so deeply.

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### *Application for Pardon*

Thos L. Eaton  
Jackson Co., Tenn  
State of Tennessee  
Executive Department  
Nashville Aug 1865

Respectfully forwarded to the Hon Attorney General with the statement that I can give no information in this case.

W. G. Brownlow  
Governor TN

Jackson County, Tenn, July 13/65  
His Excellency  
Andrew Johnson  
President of the United States  
Sir:

Your petitioner Thos L. Eaton has the honor to make the following statement and to claim Executive Clemency. By the terms of your recent Amnesty Proclamation your petitioner is excluded therefrom, law by special application for pardon.

In May 1861 your petitioner enlisted in the 8th Tenn Inf Vols Rebel Army and continued therein until discharged by reason of disability. On being discharged your petitioner returned to his home and conducted himself as a peaceable, quiet and loyal citizen, until conscribed by the 4th Battalion Tenn Cav, where he remained in the service with said command until Jan 1864, at which time he returned again to his home in Jackson County and subscribed to the Oath of Allegiance which your petitioner obeyed strictly and demeaned? [*sic*] himself as became a law abiding citizen. In September 1864

Dibrell's Brigade invaded this section of Tennessee and the 4th Batt Tenn Cav was ordered to Jackson to enlist, enroll and conscribe the citizens thereof.

By order of Joseph Shaw Major Commanding said Battalion your petitioner was forced and compelled to return to said command contrary to his will and desire. Having infracted the laws, but under compulsion by force and arms, your petitioner having Surrendered with the Army of Tennessee, is now anxious to return in good faith to his allegiance as a citizen of the United States and to yield cheerful obedience to all laws & proclamations made or issued from the commencement of the Rebellion. Wherefore he prays for Executive Clemency and as re-instatement as a citizen. Your petitioner was paroled as 1st Sergeant Co. B 4th Batt. Tenn Cav on the 9th day of May 1865.

A copy of the oath of allegiance is here with enclosed.

Your petitioner has the honor to be with high respect.  
Your humble servant,  
Thos. L. Eaton

Jackson County Tenn., July 13/65

We the undersigned citizens of the State of Tennessee have the honor to state that we are intimately acquainted with Thos. L. Eaton and that he is and has been a quiet peaceable and law abiding citizen with the exception of his entering the rebellion; that we have the highest evidence of the truth of his statements in the forgoing petition; that he kept his oath faithfully until forced to violate it by armed force. We have implicit confidence that he will henceforth faithfully obey the laws and yield obedience & all the duties incumbent on him as a citizen.

We pray your Excellency that he may be permitted to partake of the rights and privileges of the amnesty so graciously desired.

We are now and have ever been loyal citizens and faithful to the Government of the United States.

We have the honor to subscribe ourselves.  
Your Obedient Sols,  
W. W. Morrow C. C. C.  
W. C. Woodward R. J. C.  
Denton Moore  
Alexander Keith  
Leroy S. Clements  
Chancery Court at Gainsboro

I Thos L. Eaton do solemnly swear in the presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States and the Union of the States thereunder & that I will in like manner abide by & faithfully support all acts of Congress passed during the existing rebellion, with reference to slaves, so long & so far as not ??? [sic], nullified or held void by Congress or by decision of Supreme Court and I will in like manner abide by & faithfully support all proclamations of the President made during the existing rebellion, having reference to slaves, so long & so far as not modified or declared void by decision of the Supreme Court so help me God. Thos L. Eaton

Sworn to & subscribed before me in open court Gainsboro Tenn August 14  
1865

T C Shackelford Chancellor & Clerk

SOURCE: Tennessee Genealogy and History, TNGenWeb Project at <http://www.tngenweb.org>.



## 10. Mississippi Black Codes (1865)

While the Civil War and the Thirteenth Amendment proved that African Americans were slaves no more, neither did anything to indicate what they were. What was the status of the freedpeople? What rights, opportunities, and privileges would they have? Under Andrew Johnson's program of restoration, these questions were left to the judgment of the individual southern states. State after state of the former Confederacy passed Black Codes, rules and restrictions that enforced a plantation-based, white supremacist system. The discrimination, inhumanity, and outright arrogance displayed in the codes helped convince many Republicans that the president's program was a betrayal of Union victory.

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

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

**Section 2.** All freedmen, free negroes and mulattoes may intermarry with each other, in the same manner and under the same regulations that are provided by law for white persons: Provided, that the clerk of probate shall keep separate records of the same.

**Section 3.** All freedmen, free negroes or mullatoes who do now and have herebefore lived and cohabited together as husband and wife shall be taken and held in law as legally married, and the issue shall be taken and held as legitimate for all purposes; and it shall not be lawful for any freedman, free negro or mulatto to intermarry with any white person; nor for any person to intermarry with any freedman, free negro or mulatto; and any person who shall so intermarry shall be deemed guilty of felony, and on conviction thereof shall be confined in the State penitentiary for life; and those shall be deemed freedmen, free negroes and mulattoes who are of pure negro blood, and those descended from a negro to the third generation, inclusive, though one ancestor in each generation may have been a white person.

**Section 4.** In addition to cases in which freedmen, free negroes and mulattoes are now by law competent witnesses, freedmen, free negroes or mulattoes shall be competent in civil cases, when a party or parties to the suit, either plaintiff or plaintiffs, defendant or defendants; also in cases where freedmen, free negroes and mulattoes is or are either plaintiff or plaintiffs, defendant or defendants. They shall also be competent witnesses in all criminal prosecutions where the crime charged is alleged to have been committed by a white person upon or against the person or property of a freedman, free negro or mulatto: Provided, that in all cases said witnesses shall be examined in open court, on the stand; except, however, they may be examined before the grand jury, and shall in all cases be subject to the rules and tests of the common law as to competency and credibility.

**Section 5.** Every freedman, free negro and mulatto shall, on the second Monday of January, one thousand eight hundred and sixty-six, and annually thereafter, have a lawful home or employment, and shall have written evidence thereof as follows, to wit: if living in any incorporated city, town, or village, a license from that mayor thereof; and if living outside of an incorporated city, town, or village, from the member of the board of police of his beat, authorizing him or her to do irregular and job work; or a written contract, as provided in Section 6 in this act; which license may be revoked for cause at any time by the authority granting the same.

**Section 6.** All contracts for labor made with freedmen, free negroes and mulattoes for a longer period than one month shall be in writing, and a duplicate, attested and read to said freedman, free negro or mulatto by a beat, city or county officer, or two disinterested white persons of the county in which the labor is to [be] performed, of which each party shall have one: and said contracts shall be taken and held as entire contracts, and if the laborer shall quit the service of the employer before the expiration of his term of service, without good cause, he shall forfeit his wages for that year up to the time of quitting.

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

**Section 8.** Upon affidavit made by the employer of any freedman, free negro or mulatto, or other credible person, before any justice of the peace or

member of the board of police, that any freedman, free negro or mulatto legally employed by said employer has illegally deserted said employment, such justice of the peace or member of the board of police issue his warrant or warrants, returnable before himself or other such officer, to any sheriff, constable or special deputy, commanding him to arrest said deserter, and return him or her to said employer, and the like proceedings shall be had as provided in the preceding section; and it shall be lawful for any officer to whom such warrant shall be directed to execute said warrant in any county in this State; and that said warrant may be transmitted without endorsement to any like officer of another county, to be executed and returned as aforesaid; and the said employer shall pay the costs of said warrants and arrest and return, which shall be set off for so much against the wages of said deserter.

**Section 9.** If any person shall persuade or attempt to persuade, entice, or cause any freedman, free negro or mulatto to desert from the legal employment of any person before the expiration of his or her term of service, or shall knowingly employ any such deserting freedman, free negro or mulatto, or shall knowingly give or sell to any such deserting freedman, free negro or mulatto, any food, raiment, or other thing, he or she shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty-five dollars and not more than two hundred dollars and costs; and if the said fine and costs shall not be immediately paid, the court shall sentence said convict to not exceeding two months imprisonment in the county jail, and he or she shall moreover be liable to the party injured in damages: Provided, if any person shall, or shall attempt to, persuade, entice, or cause any freedman, free negro or mulatto to desert from any legal employment of any person, with the view to employ said freedman, free negro or mulatto without the limits of this State, such costs; and if said fine and costs shall not be immediately paid, the court shall sentence said convict to not exceeding six months imprisonment in the county jail.

**Section 10.** It shall be lawful for any freedman, free negro, or mulatto, to charge any white person, freedman, free negro or mulatto by affidavit, with any criminal offense against his or her person or property, and upon such affidavit the proper process shall be issued and executed as if said affidavit was made by a white person, and it shall be lawful for any freedman, free negro, or mulatto, in any action, suit or controversy pending, or about to be instituted in any court of law equity in this State, to make all needful and lawful affidavits as shall be necessary for the institution, prosecution or defense of such suit or controversy.

**Section 11.** The penal laws of this state, in all cases not otherwise specially provided for, shall apply and extend to all freedman, free negroes and mulattoes . . .

**AN ACT TO REGULATE THE RELATION OF MASTER  
AND APPRENTICE, AS RELATES TO FREEDMEN,  
FREE NEGROES, AND MULATTOES**

**Section 1.** It shall be the duty of all sheriffs, justices of the peace, and other civil officers of the several counties in this State, to report to the probate courts of their respective counties semiannually, at the January and July terms

of said courts, all freedmen, free negroes, and mulattoes, under the age of eighteen, in their respective counties, beats, or districts, who are orphans, or whose parent or parents have not the means or who refuse to provide for and support said minors; and thereupon it shall be the duty of said probate court to order the clerk of said court to apprentice said minors to some competent and suitable person on such terms as the court may direct, having a particular care to the interest of said minor: Provided, that the former owner of said minors shall have the preference when, in the opinion of the court, he or she shall be a suitable person for that purpose.

**Section 2.** The said court shall be fully satisfied that the person or persons to whom said minor shall be apprenticed shall be a suitable person to have the charge and care of said minor, and fully to protect the interest of said minor. The said court shall require the said master or mistress to execute bond and security, payable to the State of Mississippi, conditioned that he or she shall furnish said minor with sufficient food and clothing; to treat said minor humanely; furnish medical attention in case of sickness; teach, or cause to be taught, him or her to read and write, if under fifteen years old, and will conform to any law that may be hereafter passed for the regulation of the duties and relation of master and apprentice: Provided, that said apprentice shall be bound by indenture, in case of males, until they are twenty-one years old, and in case of females until they are eighteen years old.

**Section 3.** In the management and control of said apprentices, said master or mistress shall have the power to inflict such moderate corporeal chastisement as a father or guardian is allowed to inflict on his or her child or ward at common law: Provided, that in no case shall cruel or inhuman punishment be inflicted.

**Section 4.** If any apprentice shall leave the employment of his or her master or mistress, without his or her consent, said master or mistress may pursue and recapture said apprentice, and bring him or her before any justice of the peace of the county, whose duty it shall be to remand said apprentice to the service of his or her master or mistress; and in the event of a refusal on the part of said apprentice so to return, then said justice shall commit said apprentice to the jail of said county, on failure to give bond, to the next term of the county court; and it shall be the duty of said court at the first term thereafter to investigate said case, and if the court shall be of opinion that said apprentice left the employment of his or her master or mistress without good cause, to order him or her to be punished, as provided for the punishment of hired freedmen, as may be from time to time provided for by law for desertion, until he or she shall agree to return to the service of his or her master or mistress: Provided, that the court may grant continuances as in other cases: And provided further, that if the court shall believe that said apprentice had good cause to quit his said master or mistress, the court shall discharge said apprentice from said indenture, and also enter a judgment against the master or mistress for not more than one hundred dollars, from the use and benefit of said apprentice, to be collected on execution as in other cases.

**Section 5.** If any person entice away any apprentice from his or her master or mistress, or shall knowingly employ an apprentice, or furnish him or her food or clothing without the written consent of his or her master or mistress,

or shall sell or give said apprentice spirits without such consent, said person so offending shall be guilty of a misdemeanor, and shall, upon conviction thereof before the county court, be punished as provided for the punishment of person enticing from their employer hired freedmen, free negroes or mulattoes.

**Section 6.** It shall be the duty of all civil officers of their respective counties to report any minors within their respective counties to said probate court who are subject to be apprenticed under the provisions of this act, from time to time as the facts may come to their knowledge, and it shall be the duty of said court from time to time as said minors shall be reported to them, or otherwise come to their knowledge, to apprentice said minors as hereinbefore provided.

**Section 9.** It shall be lawful for any freedman, free negro, or mulatto, having a minor child or children, as provided for by this act.

**Section 10.** In all cases where the age of the freedman, free negro, or mulatto cannot be ascertained by record testimony, the judge of the county court shall fix the age. . . .

#### AN ACT TO AMEND THE VAGRANT LAWS OF THE STATE

**Section 1.** All rogues and vagabonds, idle and dissipated persons, beggars, jugglers, or persons practicing unlawful games or plays, runaways, common drunkards, common night-walkers, pilferers, lewd, wanton, or lascivious persons, in speech or behavior, common railers and brawlers, persons who neglect their calling or employment, misspend what they earn, or do not provide for the support of themselves or their families, or dependents, and all other idle and disorderly persons, including all who neglect all lawful business, habitually misspend their time by frequenting houses of ill-fame, gaming-houses, or tippling shops, shall be deemed and considered vagrants, under the provisions of this act, and upon conviction thereof shall be fined not exceeding one hundred dollars, with all accruing costs, and be imprisoned, at the discretion of the court, not exceeding ten days.

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

**Section 3.** All justices of the peace, mayors, and aldermen of incorporated towns, counties, and cities of the several counties in this State shall have jurisdiction to try all questions of vagrancy in their respective towns, counties, and cities, and it is hereby made their duty, whenever they shall ascertain that any person or persons in their respective towns, and counties and cities are violating any of the provisions of this act, to have said party or parties arrested,

and brought before them, and immediately investigate said charge, and, on conviction, punish said party or parties, as provided for herein. And it is hereby made the duty of all sheriffs, constables, town constables, and all such like officers, and city marshals, to report to some officer having jurisdiction all violations of any of the provisions of this act, and in case any officer shall fail or neglect any duty herein it shall be the duty of the county court to fine said officer, upon conviction, not exceeding one hundred dollars, to be paid into the county treasury for county purposes.

**Section 4.** Keepers of gaming houses, houses of prostitution, prostitutes, public or private, and all persons who derive their chief support in the employment's that militate against good morals, or against law, shall be deemed and held to be vagrants.

**Section 5.** All fines and forfeitures collected by the provisions of this act shall be paid into the county treasury of general county purposes, and in case of any freedman, free negro or mulatto shall fail for five days after the imposition of any or forfeiture upon him or her for violation of any of the provisions of this act to pay the same, that it shall be, and is hereby, made the duty of the sheriff of the proper county to hire out said freedman, free negro or mulatto, to any person who will, for the shortest period of service, pay said fine and forfeiture and all costs: Provided, a preference shall be given to the employer, if there be one, in which case the employer shall be entitled to deduct and retain the amount so paid from the wages of such freedman, free negro or mulatto, then due or to become due; and in case freedman, free negro or mulatto cannot hire out, he or she may be dealt with as a pauper.

**Section 6.** The same duties and liabilities existing among white persons of this State shall attach to freedmen, free negroes or mulattoes, to support their indigent families and all colored paupers; and that in order to secure a support for such indigent freedmen, free negroes, or mulattoes, it shall be lawful, and is hereby made the duty of the county police of each county in this State, to levy a poll or capitation tax on each and every freedman, free negro, or mulatto, between the ages of eighteen and sixty years, not to exceed the sum of one dollar annually to each person so taxed, which tax, when collected, shall be paid into the county treasurer's hands, and constitute a fund to be called the Freedman's Pauper Fund, which shall be applied by the commissioners of the poor for the maintenance of the poor of the freedmen, free negroes and mulattoes of this State, under such regulations as may be established by the boards of county police in the respective counties of this State.

**Section 7.** If any freedman, free negro, or mulatto shall fail or refuse to pay any tax levied according to the provisions of the sixth section of this act, it shall be *prima facie* evidence of vagrancy, and it shall be the duty of the sheriff to arrest such freedman, free negro, or mulatto, or such person refusing or neglecting to pay such tax, and proceed at once to hire for the shortest time such delinquent taxpayer to any one who will pay the said tax, with accruing costs, giving preference to the employer, if there be one.

**Section 8.** Any person feeling himself or herself aggrieved by judgment of any justice of the peace, mayor, or alderman in cases arising under this act, may within five days appeal to the next term of the county court of the proper county, upon giving bond and security in a sum not less than twenty-five



dollars nor more than one hundred and fifty dollars, conditioned to appear and prosecute said appeal, and abide by the judgment of the county court; and said appeal shall be tried *de novo* in the county court, and the decision of the said court shall be final.

SOURCE: African American Almanac online at <http://www.toptags.com/aama/docs/bcodes/htm>.



### 11. President Andrew Johnson's Washington's Birthday Address (February 22, 1866)

Not designed as a formal address, the Washington's Birthday speech was an extemporaneous exchange with a group of well-wishers at the White House. On February 19, the president had vetoed the Freedmen's Bureau Bill, earning the ire of many Republicans. Supporters rallied behind the president, and came to the White House to express their thanks.

Johnson's aggressive, rural, stump-speaking style did not translate well into Washington politics. Nonetheless, his address is rich with information, as it clearly shows a man driven by principle and ambition, deeply devoted to his version of the Union and the Constitution. It also reveals his racism, his belligerence, and his stubbornness, all omens of the brutality of the political struggle to come.

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Washington, Thursday, Feb. 22. [1866]

Fellow-citizens:

For I presume I have a right to address you as such, I come to tender to you my sincere thanks for the approbation expressed by your Committee in their personal address, and in the resolutions submitted by them, as having been adopted by the meeting which has been held in this city to-day. These resolutions, as I understand them, are complimentary to the policy which has been adopted by the Administration, and which has been steadily pursued since it came into power. I am free to say to you on this occasion, that it is extremely gratifying to me to know that so large a portion of my fellow-citizens approve and indorse the policy which has been adopted, and which it is my intention shall be carried out. (Great applause.) That policy is one which is intended to restore all the States to their original relations to the Federal Government of the United States. (Renewed applause.) This seems to be a day peculiarly appropriate for such a manifestation. It is the day that gave birth to that man who, more perhaps, than any other, founded this Government. It is the day that gave birth to the Father of our Country. . . . To-day I had the pleasure of a visit from those persons who have been devoting their efforts to the completion of the monument which is being erected to his name. I was proud to meet them, and, so far as I could, to give them my influence and countenance in aid of the work they have undertaken. That monument, which is being erected to him whom I may say founded the Government, is almost within a stone's throw of the spot from which I address you. Let it be completed. (Applause.) Let those various

blocks which the States and individuals and associations and corporations have put in that monument as pledges of their love for this Union be preserved, and let the work be accomplished. In this connection let me refer to the block from my own State, God bless her! (applause) which has struggled for the preservation of this Union, in the field and in the councils of the nation, and which is now struggling to renew her relations with this Government that were interrupted by a fearful rebellion. She is now struggling to renew these relations, and to take her stand where she had ever stood since 1796 until this rebellion broke out. (Great applause.) Let me repeat the sentiment that that State has inscribed upon the stone which she has deposited in that monument of freedom which is being raised in commemoration of Washington. She is struggling to get back into the Union, and to stand by the sentiment which is thereon inscribed, and she is willing to sustain it.

What is it? It is the sentiment which was enunciated by her distinguished son, the immortal, the illustrious Jackson, "The Federal Union—it must be preserved." (Great applause.) If it were possible for that old man, whose statue stands before me and whose portrait is behind me, in the Executive Mansion, and whose sentiment is thus preserved in that monument in your vicinity to be called forth from the grave; or, if it were possible to communicate with the spirit of the illustrious dead, and make him understand the progress of faction and of rebellion and treason, he would turn over in his coffin, and shaking off the habiliments of the tomb, would again stand erect, and reiterate that sentiment originally expressed by him on a memorable occasion, "The Federal Union, it must be preserved." (Great applause.) . . . I stand here before you for the Union to-day, as I stood in the Senate of the United States for the Union in 1860 and 1861. I met there those who were making war upon the Constitution—those who wanted to break and destroy the Government—and I denounced them in my place, then and there, and exposed their true character. I said that these men who were engaged in the work of breaking up the Government, were traitors. I have never ceased on all proper occasions to repeat that sentiment, and, as far as my efforts could go, I have endeavored to carry it out. . . . I know there has been a great deal said about the exercise of the pardoning power. So far as your Executive is concerned there is no one who has labored with more earnestness than myself to have the principal, intelligent and conscious traitors brought to justice, the law vindicated, and the great fact judicially established that *treason is a crime*. (Applause.) But while anxious that leading and intelligent traitors should be punished, should whole communities and States and people be made to submit to the penalty of death? No, no. I have perhaps as much asperity and as much resentment in my nature as men ought to have; but we must reason in great matters of government about man as he is. We must conform our actions and our conduct to the example of Him who founded our holy religion. Not that I would make such a comparison on this occasion in any personal aspect. I came into this place under the Constitution of the country and by the approbation of the people, and what did I find? I found eight millions of people who were in fact condemned under the law, and the penalty was death. Was I to yield to the spirit of revenge and resentment, and declare that they should all be annihilated and destroyed? How different would this have

been from the example set by the holy founder of our religion, the extreme points of whose divine arch rests upon the horizon, and whose span embraces the universe—he who founded this great scheme came into the world and found man condemned under the law, and his sentence was death. What was his example? Instead of condemning the world or even a nation to death, he died upon the cross, attesting by his wounds and his blood that he died that mankind might live? Let those who have erred repent—let them acknowledge their allegiance—let them become loyal, willing supporters and defenders of our glorious stripes and stars, and of the Constitution of our country—let the leaders, the conscious, intelligent traitors, be punished and subjected to the penalties of the law (applause); but to the great mass, who have been forced into this rebellion, in many instances, and in others have been misled, I say extend leniency, kindness, trust and confidence. (Great applause.) My countrymen, when I look back over the history of the rebellion, I trust I am not vain when I ask you if I have not given as much evidence of my devotion to the Union as some who croak a great deal about it. When I look back over the battle-fields of the rebellion, I think of the many brave men in whose company I was. I cannot be recollect that I was some times in places where the contest was most difficult and the result most doubtful. But almost before the smoke has passed away, almost before the blood that has been shed has sunk into the earth—before the bodies of the slain have passed to their native dust—what do we now find? The rebellion has been put down by the strong arm of the Government in the field, but is that the only way in which you can have rebellion? One struggle was against an attempt to dis sever the Union; but almost before the smoke of the battle-field has passed away—before our brave men have all returned to their homes, and renewed the ties of affection and love to their wives and their children, we find almost another rebellion inaugurated. We put down the former rebellion in order to prevent the separation of the States, to prevent them from flying off, and thereby changing the character of our Government and weakening its power. But when that struggle on our part has been successful, and that attempt has been put down, we find now an effort to concentrate all power in the hands of a few at the Federal head, and thereby bring about a consolidation of the Government, which is equally objectionable with a separation. (Vociferous applause.) We find that powers are assumed and attempted to be exercised of a most extraordinary character. It seems that Governments may be revolutionized—Governments at least may be changed without going through the strife of battle. I believe it is a fact attested in history that sometimes revolutions most disastrous to a people are affected without the shedding of blood. The substance of your Government may be taken away while the form and the shadow remain to you. What is now being proposed? We find that in point of fact nearly all the powers of the Government are assumed by an irresponsible central directory, which does not even consult the legislative or executive departments of the Government. By resolutions reported from a committee in whom it seems that practically the legislative power of the Government is now vested, that great principle of the Constitution which authorizes and empowers each branch of the legislative department, the Senate and the House of Representatives, to judge for itself of the elections, returns and qualifications of its own members,

has been virtually taken away from the two branches of the legislative department of the Government, and conferred upon a joint committee, who must report before either House can act under the Constitution as to accepting the members who are to take their seats as component parts of the respective bodies. By this rule it is assumed that there must be laws passed recognizing a State as being in the Union; or its practical relations to the Union as restored, before the respective Houses under the Constitution can judge of the elections, returns and qualifications of their own members. What a position is that! You struggled for four years to put down a rebellion. You denied in the beginning of the struggle that any State could go out of the Union. You said that it had neither the right nor the power to do so. The issue was made and it has been settled that the States had neither the right nor the power to go out of the Union. With what consistency, after it has been settled by the military arm of the Government and by the public judgment that the States had no right to go out of the Union, can any one now turn round and assume that they are out, and that they shall not come in? I am free to say to you as your Executive that I am not prepared to take any such position. (Great applause.) I said in the Senate in the very inception of this rebellion that the States had no right to go out. I asserted, too, that they had no power to go out. That question has been settled, and it being settled, I cannot turn around now and give the lie direct to all that I have professed, and all I have done for the last five years. (Applause.) When those who rebelled comply with the Constitution, when they give sufficient evidence of loyalty, when they show that they can be trusted, when they yield obedience to the law that you and I acknowledge, I say extend to them the right hand of fellowship, and let peace and union be restored. (Tremendous applause.) I fought traitors and treason in the South; I opposed the Davises, the Toombes, the Slidells, and a long list of others, which you can readily fill without my repeating the names. Now, when I turn round and at the other end of the line find men—I care not by what name you call them—who still stand opposed to the restoration of the Union of these States, I am free to say to you that I am still in the field (Great applause.) I am still for the preservation of the Union. I am still in favor of the great Government of ours going on and filling out its destiny. (Great applause.)

Voices—Give us three of these names at the other end.

The President—I am called upon to name three at the other end of the line. I am talking to my friends and fellow-citizens who are interested with me in this Government, and I presume I am free to mention to you the names of those whom I look upon, as being opposed to the fundamental principles of this Government, and who are laboring to destroy it.

Voices—“Name them—who are they?”

The President—You ask me who they are? I say, Thaddeus Stevens, of Pennsylvania, is one; I say Mr. Sumner, of the Senate, is another, and Wendell Phillips is another. (Long continued applause.)

... I have already spoken to you longer than I intended when I came out. (“Go on.”) I merely intended to make acknowledgments for the honor you have done me, but before I close allow me to say a word in regard to the question of amendings to the Constitution of the United States. ... The Constitution of the country, even that portion of it which allows amendment to

the organic law, expressly provides that no State, without its consent, shall be deprived of its suffrage and it also provides that each State shall have at least one representative in the House of Representatives; but yet the position is taken that certain States cannot be represented. We impose taxes on them, we send our tax gatherers into every region and portion of the States. The people are fit subjects of the Government for the collection of taxes, but when they ask to participate in the legislation of the country they are met at the door and told, no you must pay taxes you must bear the burdens of Government but not participate in its legislation, that legislation which is to affect you through all time to come. Is this just? Is it fair? No! no!! I repeat, I am for the Union; I am for preserving all the States. I am for admitting into the counsels of the nation all their representatives *who are unmistakably and unquestionably loyal*. A man who acknowledges allegiance to the Government and who swears to support the Constitution must necessarily be loyal. A man cannot take the oath in good faith unless he is loyal. A mere amplification of the oath makes no difference as to the principle. Whatever test is thought proper as evidence and as proof of loyalty is a mere matter of detail, about which I care nothing but let a man be unmistakably and unquestionably loyal, let him acknowledge allegiance to the Constitution of the United States, and be willing to support the Government in its hour or peril and its hour of need and I am willing to trust him. (Applause.) I know that some do not attach as much importance to this point as I do, but I regard it as fundamental. One principle that carried us through the Revolution was that there should be no taxation without representation. I hold to that principle, which was laid down as fundamental by our fathers. If it was good then it is good now. If it was worth standing by then it is worth standing by now. It is fundamental, and should be observed as long as free government lasts. I am aware that in the midst of the rebellion it was said by some that the Constitution had been rolled up as a piece of parchment and laid away; that in time of war and rebellion there was no constitution. We know that sometimes in great necessities under great emergencies unconstitutional things must sometimes necessarily be done in order to preserve the Constitution itself. But if, while the rebellion was going on the Constitution was rolled up and laid away; if it was violated in some particulars in order to save the Government, and all may be excused and justified, because in saving the Government you really saved the Constitution; now that peace has come, now that the war is over, we want again the benefit of a written Constitution, and I say the time has come to take the Constitution down, to unroll it—to re-read it to understand its provisions thoroughly. And now, in order to save the Government, we must preserve the Constitution. Our only safety is in a strict adherence to and preservation of the Constitution of our fathers. It is now unfolded. It must now be read—it must now be digested and understood by the American people. I am here to-day, then, in making these remarks, to vindicate the Constitution and to save it, as I believe, for it does seem as if encroachment after encroachment is proposed upon it. As far as I can, I have ever resisted encroachments upon the Constitution, and I stand prepared to resist them to-day, and thereby to preserve the Constitution and Government of the United States. (Great applause.) It is now a time of peace, and let us have peace; let us enforce the Constitution; let us live under and according to

its provisions. Let it be published and printed in blazing characters, as though it were in the heavens and punctuated by the stars, so that all can read and all can understand it. Let us consult that instrument and be guided by its provisions. Let us understand them, and understanding them abide by them.

I tell the opposers of this Government, I care not from what quarter they come, East or West, North or South, "You that are engaged in the work of breaking up the Government are mistaken. The Constitution of the United States and the principles of free Government are deeply rooted in the American heart, and all the powers combined cannot destroy that great instrument—that great chart of freedom.["] Their attempts, though they may seem to succeed for a time, will be futile. They may as well undertake to lock up the winds or chain the waves of the ocean and confine them within limits; they might as well undertake to repeal the Constitution, and, indeed, it seems now to be supposed that can be repealed by a concurrent resolution, (laughter) but when the question is submitted to popular judgment and to the most of the people, these men will find that they might just as well introduce a resolution to repeal the law of gravitation; the attempt to keep this Union from being restored is just about as feasible as would be resistance to the great law of gravitation, which binds all to a common center. The great law of political gravitation will bring back these States, and replace them in all their relations to the Federal Government. Cliques and cabals and conspiracies and machinations, North and South, cannot prevent this great consummation (Tremendous applause.) All that is wanted is time. Let the American people get to understand what is going on, and they will soon manifest their determination. By way of exclamation, let me say that I would to God the whole American people could be assembled here to-day as you are. I wish there were a vast amphitheater here capacious enough to sustain the whole thirty millions, and they could witness the great struggle going on to preserve the Constitution of their fathers. They would soon settle the question if they could once see how things are; if they could see the kind of spirit that is manifested in the effort to break up the real principles of free government. When they come to understand who was for them and who against them; who was for ameliorating their condition and who for elevating them by preserving their Government, if the combatants could stand before them, and there could be a regular set-to between the respective gladiators, in the first tilt that might be made you would find that the enemies of the country would be crushed, and the people would sustain its friends and the friends of Constitutional liberty. . . .

Have you not heard some of them at some time attempt to quote my predecessor who fell a martyr to his country's cause, but they can give no sentiment of his that is in opposition or in contradiction to anything that I have done. The very policy that I am now pursuing was pursued by me under his administration—I having been appointed by him in a particular position for that very purpose. An inscrutable Providence saw proper to remove him from this to, I trust, a better world, and I came into his place, and there is not a principle of his in reference to the restoration of the Union from which I have departed. None. Then the war is not simply upon me, but it is upon my predecessor also. I have tried to do my duty. I know that some are envious and jealous, and speak of the White House as having attractions for the President. Let me say to you, the

charms of the White House have as little influence upon me as upon any individual in this country, and much less upon me than upon those who are talking about it. The little that I eat and wear does not amount to much, and the difference between what is enough to sustain me and my little family. It is very small, for I am not kin to many folks by consanguinity, though by affinity I am akin to everybody. The difference between the little that suffices for my stomach and back, and more than enough, has no charms for me. The proud and conscious satisfaction of having performed my duty to my country, to my children and to the inner man is all the reward that I ask. (Great applause.) . . .

Let us go away forgetting the past and looking to the future, resolved to endeavor to restore our Government to its pristine purity, trusting in Him who is on high, but who controls all here below, that ere long our Union will be restored, and that we shall have peace not only with all the nations of the earth, but peace and good will among all parts of the people of the United States. I thank you for the respect you have manifested to me on this occasion, and if the time shall come during the period of my existence when this country is to be destroyed and its Government overturned, if you will look out you will find the humble individual who stands before you there with you endeavoring to avert its final destruction.

The President retired amidst a storm of applause.

SOURCE: Paul H. Bergeron, ed., *The Papers of Andrew Johnson*. Vol. 10. Knoxville: University of Tennessee Press, 1992.



## **12. President Andrew Johnson's Veto of the Civil Rights Bill (March 27, 1866)**

Although Johnson's veto of the Civil Rights Bill shocked Moderate Republicans, his action should not have come as a surprise. As was obvious through his Reconstruction policy, President Johnson sought a return to an antebellum American system, albeit without the powerful planters and system of slavery. Beyond that, little needed to change. Johnson argued that the expansion of federal power and precedent of class legislation embodied in the Civil Rights Bill would undermine American society and once again imperil the Constitution and Union.

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Washington, D.C., March 27, 1866.

To the Senate of the United States:

I regret that the bill, which has passed both Houses of Congress, entitled "An act to protect all persons in the United States in their civil rights and furnish the means of their vindication," contains provisions which I can not approve consistently with my sense of duty to the whole people and my obligations to the Constitution of the United States. I am therefore constrained to return it to the Senate, the House in which it originated, with my objections to its becoming a law.

By the first section of the bill all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States. This provision comprehends the Chinese of the Pacific States, Indians subject to taxation, the people called gypsies, as well as the entire race designated as blacks, people of color, negroes, mulattos, and persons of African blood. Every individual of these races born in the United States is by the bill made a citizen of the United States. It does not purport to give these classes of persons any status of citizens of States, except that which may result from their status as citizens of the United States. The power to confer the right of State citizenship is just as exclusively with the several States as the power to confer the right of Federal citizenship is with Congress.

The right of Federal citizenship thus to be conferred on the several excepted races before mentioned is now for the first time proposed to be given by law. If, as is claimed by many, all persons who are native born already are, by virtue of the Constitution, citizens of the United States, the passage of the pending bill can not be necessary to make them such. If, on the other hand, such persons are not citizens, as may be assumed from the proposed legislation to make them such, the grave question presents itself whether, when eleven of the thirty-six States are unrepresented in Congress at the present time, it is sound policy to make our entire colored population and all other excepted classes citizens of the United States. Four millions of them have just emerged from slavery into freedom. Can it be reasonably supposed that they possess the requisite qualifications to entitle them to all the privileges and immunities of citizens of the United States? Have the people of the several States expressed such a conviction? It may be asked whether it is necessary that they should be declared citizens in order that they may be secured in the enjoyment of the civil rights proposed to be conferred by the bill. Those rights are, by Federal as well as State laws, secured to all domiciled aliens and foreigners, even before the completion of the process of naturalization; and it may safely be assumed that the same enactments are sufficient to give like protection and benefits to those for whom this bill provides special legislation. Besides, the policy of the Government from its origin to the present time seems to have been that persons who are strangers to and unfamiliar with our institutions and our laws should pass through a certain probation, at the end of which, before attaining the coveted prize, they must give evidence of their fitness to receive and to exercise the rights of citizens as contemplated by the Constitution of the United States. The bill in effect proposes a discrimination against large numbers of intelligent, worthy, and patriotic foreigners, and in favor of the negro, to whom, after long years of bondage, the avenues of freedom and intelligence have just now been suddenly opened. He must of necessity, from his previous unfortunate condition of servitude, be less informed as to the nature and character of our institutions than [*sic*] he who, coming from abroad, has, to some extent at least, familiarized himself with the principles of a Government to which he voluntarily intrusts "life, liberty, and the pursuit of happiness." Yet it is now proposed, by a single legislative enactment, to confer the rights of citizenship upon all persons of African descent born within the extended limits of the United States, while persons of foreign birth who make



our land their home must undergo a probation of five years, and can only then become citizens. . . .

The first section of the bill also contains an enumeration of the rights to be enjoyed by these classes so made citizens "in every State and Territory in the United States. . . ."

I do not say that this bill repeals State laws on the subject of marriage between the two races, for as whites are forbidden to intermarry with the blacks, the blacks can only make such contracts as the whites themselves are allowed to make, and therefore can not under this bill enter into the marriage contract with the whites. I cite this discrimination, however, as an instance of the State policy as to discrimination, and to inquire whether if Congress can abrogate all State laws of discrimination between the two races in the matter of real estate, of suits, and of contracts generally Congress may not also repeal the State laws as to the contract of marriage between the two races. Hitherto every subject embraced in the enumeration of rights contained in this bill has been considered as exclusively belonging to the States. They all relate to the internal police and economy of the respective States. They are matters which in each States concern the domestic condition of its people, varying in each according to its own peculiar circumstances and the safety and well-being of its own citizens. . . .

The object of the second section of the bill is to afford discriminating protection to colored persons in the full enjoyment of all the rights secured to them by the preceding section. . . .

This section seems to be designed to apply to some existing or future law of a State or Territory which may conflict with the provisions of the bill now under consideration. It provides for counteracting such forbidden legislation by imposing fine and imprisonment upon the legislators who may pass such conflicting laws, or upon the officers or agents who shall put or attempt to put them into execution. . . . It is therefore assumed that under this section members of State legislatures who should vote for laws conflicting with the provisions of the bill, that judges of the State courts who should render judgments in antagonism with its terms, and that marshals and sheriffs who should, as ministerial officers, execute processes sanctioned by State laws and issued by State judges in execution of their judgments could be brought before other tribunals and there subjected to fine and imprisonment for the performance of the duties which such State laws might impose. The legislation thus proposed invades the judicial power of the State. It says to every State court or judge, If you decide that this act is unconstitutional; if you refuse, under the prohibition of a State law, to allow a negro to testify; if you hold that over such a subject-matter the State law is paramount, and "under color" of a State law refuse the exercise of the right to the negro, your error of judgment, however conscientious, shall subject you to fine and imprisonment. . . . The remedy proposed by this section seems to be in this respect not only anomalous, but unconstitutional; for the Constitution guarantees nothing with certainty if it does not insure to the several States the right of making and executing laws in regard to all matters arising within their jurisdiction, subject only to the restriction that in cases of conflict with the Constitution and constitutional laws of the United States the latter should be held to be the supreme law of the land.

The third section gives the district courts of the United States exclusive “cognizance of all crimes and offenses committed against the provisions of this act,” and concurrent jurisdiction with the circuit courts of the United States of all civil and criminal cases “affecting persons who are denied or can not enforce in the courts or judicial tribunals of the State or locality where they may be any of the rights secured to them by the first section.” . . . The legislative department of the Government of the United States thus takes from the judicial department of the States the sacred and exclusive duty of judicial decision, and converts the State judge into a mere ministerial officer, bound to decide according to the will of Congress.

It is clear that in States which deny to persons whose rights are secured by the first section of the bill any one of those rights all criminal and civil cases affecting them will, by the provisions of the third section, come under the exclusive cognizance of the Federal tribunals. . . . So that over this vast domain of criminal jurisprudence provided by each State for the protection of its own citizens and for the punishment of all persons who violate its criminal laws, Federal law, whenever it can be made to apply, displaces State law. The question here naturally arises, from what source Congress derives the power to transfer to Federal tribunals certain classes of cases embraced in this section. The Constitution expressly declares that the judicial power of the United States “shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.” Here the judicial power of the United States is expressly set forth and defined; and the act of September 24, 1789, establishing the judicial courts of the United States, in conferring upon the Federal courts jurisdiction over cases originating in State tribunals, is careful to confine them to the classes enumerated in the above-recited clause of the Constitution. This section of the bill undoubtedly comprehends cases and authorizes the exercise of powers that are not, by the Constitution, within the jurisdiction of the courts of the United States. To transfer them to those courts would be an exercise of authority well calculated to excite distrust and alarm on the part of all the States, for the bill applies alike to all of them—as well to those that have as to those that have not been engaged in rebellion. . . .

I do not propose to consider the policy of this bill. To me the details of the bill seem fraught with evil. The white race and the black race of the South have hitherto lived together under the relation of master and slave—capital owning labor. Now, suddenly, that relation is changed, and as to ownership capital and labor are divorced. They stand now each master of itself. In this new relation, one being necessary to the other, there will be a new adjustment, which both are deeply interested in making harmonious. Each has equal power in settling the terms, and if left to the laws the regulate capital and

labor it is confidently believed that they will satisfactorily work out the problem. Capital, it is true, has more intelligence, but labor is never so ignorant as not to understand its own interests, not to know its own value, and not to see that capital must pay that value.

This bill frustrates this adjustment. It intervenes between capital and labor and attempts to settle questions of political economy through the agency of numerous officials whose interest it will be to foment discord between the two races, for as the breach widens their employment will continue, and when it is closed their occupation will terminate.

In all our history, in all our experience as a people living under Federal and State law, no such system as that contemplated by the details of this bill has ever before been proposed or adopted. They establish for the security of the colored race safeguards which go infinitely beyond any that for the General Government has ever provided for the white race. In fact, the distinction of race and color is by the bill made to operate in favor of the colored and against the white race. They interfere with the municipal legislation of the States, with the relations existing exclusively between a State and its citizens, or between inhabitants of the same State—an absorption and assumption of power by the General Government which, if acquiesced in, must sap and destroy our federative system of limited powers and break down the barriers which preserve the rights of the States. It is another step, or rather stride, toward centralization and concentration of all legislative powers in the National Government. The tendency of the bill must be to resuscitate the spirit of rebellion and to arrest the progress of those influences which are more closely drawing around the States the bonds of union and peace.

My lamented predecessor, in his proclamation of the 1st of January, 1863, ordered and declared that all persons held as slaves within certain States and parts of States therein designated were and thenceforth should be free; and further, that the executive government of the United States, including the military and naval authorities thereof, would recognize and maintain the freedom of such persons. This guaranty has been rendered especially obligatory and sacred by the amendment of the Constitution abolishing slavery throughout the United States. I therefore fully recognize the obligation to protect and defend that class of our people whenever and wherever it shall become necessary, and to the full extent compatible with the Constitution of the United States.

Entertaining these sentiments, it only remains for me to say that I will cheerfully cooperate with Congress in any measure that may be necessary for the protection of the civil rights of the freedmen, as well as those of all other classes of persons throughout the United States, by judicial process, under equal and impartial laws, in conformity with the provisions of the Federal Constitution.

I now return the bill to the Senate, and regret that in considering the bills and joint resolutions—forty-two in number—which have been thus far submitted for my approval I am compelled to withhold my assent from a second measure that has received the sanction of both Houses of Congress.

Andrew Johnson.

SOURCE: Paul H. Bergeron, ed., *The Papers of Andrew Johnson*. Vol. 10. Knoxville: University of Tennessee Press, 1992.



### 13. Civil Rights Act (April 1866)

Seeking a compromise between the desires of some Radical Republicans and the conservative approach of President Johnson, Moderate Republicans succeeded in maneuvering a new Civil Rights Bill through Congress. This bill overturned the obnoxious Black Codes in the South by guaranteeing under federal law certain civil, judicial, and economic rights of the freedpeople. This action was radical in terms of its expansion of federal jurisdiction and its promise of federal enforcement, but still kept clear of the extreme issues, such as black suffrage and officeholding.

As with the previous version, Johnson vetoed the bill. Congress passed the bill into law over the president's veto, the first time in U.S. history Congress overturned a presidential veto of a significant piece of legislation.

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#### **AN ACT TO PROTECT ALL PERSONS IN THE UNITED STATES IN THEIR CIVIL RIGHTS, AND FURNISH THE MEANS OF THEIR VINDICATION**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.

**Sec. 2.** And be it further enacted, That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.

**Sec. 3.** And be it further enacted, That the district courts of the United States, within their respective districts, shall have, exclusively of the courts of the several States, cognizance of all crimes and offences committed against the provisions of this act, and also, concurrently with the circuit courts of the United States, of all causes, civil and criminal, affecting persons who are denied or cannot enforce in the courts or judicial tribunals of the State or locality where they may be any of the rights secured to them by the first section of this act; and if any suit or prosecution, civil or criminal, has been or shall be commenced in any State court, against any such person, for any cause whatsoever, or against any officer, civil or military, or other person, for any arrest or imprisonment, trespasses, or wrongs done or committed by virtue or under color of authority derived from this act or the act establishing a Bureau for the relief of Freedmen and Refugees, and all acts amendatory thereof, or for refusing to do any act upon the ground that it would be inconsistent with this act, such defendant shall have the right to remove such cause for trial to the proper district or circuit court in the manner prescribed by the "Act relating to habeas corpus and regulating judicial proceedings in certain cases," approved March three, eighteen hundred and sixty-three, and all acts amendatory thereof. The jurisdiction in civil and criminal matters hereby conferred on the district and circuit courts of the United States shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where such laws are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offences against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of the cause, civil or criminal, is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern said courts in the trial and disposition of such cause, and, if of a criminal nature, in the infliction of punishment on the party found guilty.

**Sec. 4.** And be it further enacted, That the district attorneys, marshals, and deputy marshals of the United States, the commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting, imprisoning, or bailing offenders against the laws of the United States, the officers and agents of the Freedmen's Bureau, and every other officer who may be specially empowered by the President of the United States, shall be, and they are hereby, specially authorized and required, at the expense of the United States, to institute proceedings against all and every person who shall violate the provisions of this act, and cause him or them to be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States or territorial court as by this act has cognizance of the offence. And with a view to affording reasonable protection to all persons in their constitutional rights of equality before the law, without distinction of race or color, or previous condition of slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, and to the prompt discharge of the duties of this act, it shall be the duty of the circuit courts of the United States and the superior courts of the Territories of the United States, from time to time, to increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with a

violation of this act; and such commissioners are hereby authorized and required to exercise and discharge all the powers and duties conferred on them by this act, and the same duties with regard to offences created by this act, as they are authorized by law to exercise with regard to other offences against the laws of the United States.

**Sec. 5.** And be it further enacted, That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse to receive such warrant or other process when tendered, or to sue all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars, to the use of the person upon whom the accused is alleged to have committed the offence. And the better to enable the said commissioners to execute their duties faithfully and efficiently, in conformity with the Constitution of the United States and the requirements of this act, they are hereby authorized and empowered, within their counties respectively, to appoint, in writing, under their hands, any one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties; and the persons so appointed to execute any warrant or process as aforesaid shall have authority to summon and call to their aid the bystanders or posse comitatus of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged, and to insure a faithful observance of the clause of the Constitution which prohibits slavery, in conformity with the provisions of this act; and said warrants shall run and be executed by said officers anywhere in the State or Territory within which they are issued.

**Sec. 6.** And be it further enacted, That any person who shall knowingly and willfully obstruct, hinder, or prevent any officer, or other person charged with the execution of any warrant or process issued under the provisions of this act, or any person or persons lawfully assisting him or them, from arresting any person for whose apprehension such warrant or process may have been issued, or shall rescue or attempt to rescue such person from the custody of the officer, other person or persons, or those lawfully assisting as aforesaid, when so arrested pursuant to the authority herein given and declared, or shall aid, abet, or assist any person so arrested as aforesaid, directly or indirectly, to escape from the custody of the officer or other person legally authorized as aforesaid, or shall harbor or conceal any person for whose arrest a warrant or process shall have been issued as aforesaid, so as to prevent his discovery and arrest after notice or knowledge of the fact that a warrant has been issued for the apprehension of such person, shall, for either of said offences, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, by indictment and conviction before the district court of the United States for the district in which said offence may have been committed, or before the proper court of criminal jurisdiction, if committed within any one of the organized Territories of the United States.

**Sec. 7.** And be it further enacted, That the district attorneys, the marshals, their deputies, and the clerks of the said district and territorial courts shall be

paid for their services the like fees as may be allowed to them for similar services in other cases; and in all cases where the proceedings are before a commissioner, he shall be entitled to a fee of ten dollars in full for his services in each case, inclusive of all services incident to such arrest and examination. The person or persons authorized to execute the process to be issued by such commissioners for the arrest of offenders against the provisions of this act shall be entitled to a fee of five dollars for each person he or they may arrest and take before any such commissioner as aforesaid, with such other fees as may be deemed reasonable by such commissioner for such other additional services as may be necessarily performed by him or them, such as attending at the examination, keeping the prisoner in custody, and providing him with food and lodging during his detention, and until the final determination of such commissioner, and in general for performing such other duties as may be required in the premises; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid out of the Treasury of the United States on the certificate of the judge of the district within which the arrest is made, and to be recoverable from the defendant as part of the judgment in case of conviction.

**Sec. 8.** And be it further enacted, That whenever the President of the United States shall have reason to believe that offences have been or are likely to be committed against the provisions of this act within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons charged with a violation of this act; and it shall be the duty of every judge or other officer, when any such requisition shall be received by him, to attend at the place and for the time therein designated.

**Sec. 9.** And be it further enacted, That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation and enforce the due execution of this act.

**Sec. 10.** And be it further enacted, That upon all questions of law arising in any cause under the provisions of this act a final appeal may be taken to the Supreme Court of the United States.

SCHUYLER COLFAX,  
Speaker of the House of Representatives.

LA FAYETTE S. FOSTER,  
President of the Senate, pro tempore.

In the Senate of the United States, April 6, 1866



#### 14. Proclamations Declaring an End to the Insurrection (April 2, 1866, and August 20, 1866)

As the gap between congressional Republicans and President Andrew Johnson widened in the spring of 1866, Johnson evoked new tools to protect his Reconstruction program. To bolster his southern state governments, Johnson issued two proclamations announcing that the rebellion had ended. While the fact seemed obvious, Johnson hoped to drive home a point: With the war over, the military had no power in civilian society—a direct attack on the War Department’s Bureau of Refugees, Freedmen, and Abandoned Lands. Johnson also resurrected from 1861 Congress’s own War Aims Resolutions, reminding legislators that the war had been to save the Union, not to interfere in the internal workings of the southern states. Again, Johnson demonstrated the depth of both his convictions and his political naïveté.

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##### PROCLAMATION OF APRIL 2, 1866

Whereas, by proclamations of the fifteenth and nineteenth of April, one thousand eight hundred and sixty-one, the President of the United States, in virtue of the power vested in him by the Constitution and the laws, declared that the laws of the United States were opposed, and the execution thereof obstructed in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by law;

And whereas, by another proclamation made on the sixteenth day of August, in the same year, in pursuance of an act of Congress approved July thirteenth, one thousand eight hundred and sixty-one, the inhabitants of the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, and Florida (except the inhabitants of that part of the State of Virginia lying west of the Alleghany mountains, and to such other parts of that State and the other States before named, as might maintain a loyal adhesion to the Union and the Constitution, or might be from time to time occupied and controlled by forces of the United States engaged in the dispersion of insurgents) were declared to be in a state of insurrection against the United States;

And whereas, by another proclamation of the first day of July, one thousand eight hundred and sixty-two, issued in pursuance of an act of Congress approved June 7, in the same year, the insurrection was declared to be still existing in the States aforesaid, with the exception of certain specified counties in the State of Virginia;

And whereas, by another proclamation made on the second day of April, one thousand eight hundred and sixty-three, in pursuance of the act of Congress of July 13, one thousand eight hundred and sixty-one, the exceptions named in the proclamation of August 16, one thousand eight hundred and sixty-one were revoked, and the inhabitants of the States of Georgia, South Carolina, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, Florida, and Virginia (except the forty-eight counties of Virginia designated as West



Virginia, and the ports of New Orleans, Key West, Port Royal, and Beaufort in South Carolina) were declared to be still in a state of insurrection against the United States.

And whereas the House of Representatives, on the 22nd day of July, one thousand eight hundred and sixty-one, adopted a resolution in the words following, namely:

*“Resolved by the House of Representatives of the Congress of the United States, That the present deplorable civil war has been forced upon the country by the disunionists of the southern States, now in revolt against the constitutional Government, and in arms around the capital; that in this national emergency Congress, banishing all feelings of mere passion or resentment, will recollect only its duty to the whole country; that this war is not waged on our part in any spirit of oppression, nor for any purpose of overthrowing or interfering with the rights or established institutions of those States; but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects are accomplished, the war ought to cease.”*

And whereas the Senate of the United States, on the 25th day of July, one thousand eight hundred and sixty-one, adopted a resolution in the words following, to wit:

*“Resolved, That the present deplorable civil war has been forced upon the country by the disunionists of the southern States, now in revolt against the constitutional Government, and in arms around the capital; that in this national emergency Congress, banishing all feeling of mere passion or resentment, will recollect only its duty to the whole country; that this war is not prosecuted on our part in any spirit of oppression nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and all laws made in pursuance thereof, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects are accomplished, the war ought to cease.”*

And whereas these resolutions, though not joint or concurrent in form, are substantially identical, and as such may be regarded as having expressed the same sense of Congress upon the subject to which they relate;

And whereas, by my proclamation of the thirteenth day of June last, the insurrection in the State of Tennessee was declared to have been suppressed, the authority of the United States therein to be undisputed, and such United States officers as had been duly commissioned to be in the undisputed exercise of their official functions;

And whereas there now exists no organized armed resistance of misguided citizens or others to the authority of the United States, in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi, and Florida, and laws can be sustained and enforced therein by the proper civil authority, State or Federal, and the people of the said States are well and loyally disposed, and have conformed or will conform in their legislation to the condition of affairs growing out of the amendment to the Constitution of the United States, prohibiting slavery within the limits and jurisdiction of the United States;

And whereas, in view of the before recited premises, it is the manifest determination of the American people that no State, of its own will, has the right or the power to go out of, or separate itself from, or be separated from the American Union, and that therefore each State ought to remain and constitute an integral part of the United States;

And whereas the people of the several before-mentioned States have, in the manner aforesaid, given satisfactory evidence that they acquiesce in this sovereign and important resolution of the national unity;

And whereas it is believed to be a fundamental principle of government that people who have revolted, and who have been overcome and subdued, must either be dealt with so as to induce them voluntarily to become friends, or else they must be held by absolute military power, or devastated, so as to prevent them from ever again doing harm as enemies, which last-named policy is abhorrent to humanity and freedom;

And whereas the Constitution of the United States provides for constituent communities only as States and not as Territories, dependencies, provinces, or protectorates;

And whereas such constituent States must necessarily be and by the Constitution and the laws of the United States are made equals and placed upon a like footing as to political rights, immunities, dignity, and power, with the several States with which they are united;

And whereas the observance of political equality as a principle of right and justice is well calculated to encourage the people of the aforesaid States to be and become more and more constant and persevering in their renewed allegiance;

And whereas standing armies, military occupation, martial law, military tribunals, and the suspension of the privilege of the writ of *habeas corpus* are, in time of peace, dangerous to public liberty, incompatible with the individual rights of the citizen, contrary to the genius and spirit of our free institutions, and exhaustive of the national resources, and ought not, therefore, to be sanctioned or allowed, except in cases of actual necessity, for repelling invasion or suppressing insurrection or rebellion;

And whereas the policy of the Government of the United States, from the beginning of the insurrection to its overthrow and final suppression, has been in conformity with the principles herein set forth and enumerated:

Now, therefore, I, Andrew Johnson, President of the United States, do hereby proclaim and declare that the insurrection which heretofore existed in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi, and Florida is at an end, and is henceforth to be so regarded.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at Washington, the second day of April, in the year of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninetieth.

Andrew Johnson.

By the President:

Wm. H. Seward, *Secretary of State*.

**PROCLAMATION DECLARING THE INSURRECTION AT AN END  
IN TEXAS, AND CIVIL AUTHORITY EXISTING THROUGHOUT  
THE WHOLE OF THE UNITED STATES, AUGUST 20, 1866**

Whereas, by proclamation of the fifteenth and nineteenth of April, eighteen hundred and sixty-one, the President of the United States, in virtue of the power vested in him by the Constitution and the laws, declared that the laws of the United States were opposed and the execution thereof obstructed in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by law;

And whereas, by another proclamation, made on the sixteenth day of August, in the same year, in pursuance of an act of Congress approved July thirteen, one thousand eight hundred and sixty-one, the inhabitants of the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, and Florida, (except the inhabitants of that part of the State of Virginia lying west of the Alleghany mountains, and except also the inhabitants of such other parts of that State, and the other States before named, as might maintain a loyal adhesion to the Union and the Constitution, or might be, from time to time occupied and controlled by forces of the United States engaged in the dispersion of insurgents,) were declared to be in a state of insurrection against the United States;

And whereas, by another proclamation, of the first day of July, one thousand eight hundred and sixty-two, issued in pursuance of an act of Congress approved June seventh, in the same year, the insurrection was declared to be still existing in the States aforesaid, with the exception of certain counties in the State of Virginia;

And whereas, by another proclamation made on the second day of April, one thousand eight hundred and sixty-three, in pursuance of the act of Congress of July thirteen, one thousand eight hundred and sixty-one, the exceptions named in the proclamation of August sixteen, One thousand eight hundred and sixty-one, were revoked, and the inhabitants of the States of Georgia, South Carolina, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, Florida, and Virginia (except the forty-eight counties of Virginia designated as West Virginia, and the ports of New Orleans, Key West, Port Royal, and Beaufort, in North Carolina) were declared to be still in a state of insurrection against the United States;

And whereas, by another proclamation of the fifteenth day of September, one thousand eight hundred and sixty-three, made in pursuance of the act of Congress approved March third, one thousand eight hundred and sixty-three, the rebellion was declared to be still existing, and the privilege of the writ of habeas corpus was in certain specified cases suspended throughout the United States, said suspension to continue throughout the duration of the rebellion, or until said proclamation should, by subsequent one to be issued by the President of the United States, be modified or revoked;

And whereas the House of Representatives, on the twenty-second day of July, one thousand eight hundred and sixty-one, adopted a resolution in the words following, namely:

*Resolved by the House of Representatives of the Congress of the United States,* That the present deplorable civil war has been forced upon the country by the disunionists of the southern States, now in revolt against the constitutional Government, and in arms around the capital; that in this national emergency Congress, banishing all feelings of mere passion or resentment, will recollect only its duty to the whole country; that this war is not waged on our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects are accomplished the war ought to cease.

And whereas the Senate of the United States on the twenty-fifth day of July, one thousand eight hundred and sixty-one, adopted a resolution in the words following, to wit:

*Resolved,* That the present deplorable civil war has been forced upon the country by the disunionists of the southern States, now in revolt against the constitutional Government, and in arms around the capital; that in this national emergency Congress, banishing all feeling of mere passion or resentment, will recollect only its duty to the whole country; that this war is not prosecuted on our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution, and all laws made in pursuance thereof, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects are accomplished the war ought to cease.

And whereas these resolutions though not joint or concurrent in form, are substantially identical, and as such have hitherto been and yet are regarded as having expressed the sense of the Congress upon the subject to which they relate;

And whereas the President of the United States, by proclamation of the thirteenth of June, eighteen hundred and sixty-five, declared that the insurrection in the State of Tennessee had been suppressed, and that the authority of the United States therein was undisputed, and that such United States officers as had been duly commissioned were in the undisturbed exercise of their official functions;

And whereas the President of the United States, by further proclamation issued on the second day of April, one thousand eight hundred and sixty-six, did promulgate and declare that there no longer existed any armed resistance of misguided citizens or others to the authority of the United States in any or in all the States before mentioned, excepting only the State of Texas, and did further promulgate and declare that the laws could be sustained and enforced in the several States before mentioned, except Texas, by the proper civil authorities, State or Federal, and that the people of the said States, except Texas, are well and loyally disposed, and have conformed or will conform in their legislation to the condition of affairs growing out of the amendment to the Constitution of the United States prohibiting slavery within the limits and jurisdiction of the United States;

And did further declare in the same proclamation that it is the manifest determination of the American people that no State, of its own will, has a right or power to go out of, or separate itself from, or be separated from the American Union; and that, therefore, each State ought to remain and constitute an integral part of the United States;

And did further declare in the same last mentioned proclamation that the several afore-mentioned States, excepting Texas, had, in the manner aforesaid, given satisfactory evidence that they acquiesce in this sovereign and important resolution of national unity;

And whereas the President of the United States, in the same proclamation, did further declare that it is believed to be a fundamental principle of government that the people who have revolted, and who have been overcome and subdued, must either be dealt with so as to induce them voluntarily to become friends, or else they must be held by absolute military power, or devastated, so as to prevent them from ever again doing harm as enemies, which last named policy is abhorrent to humanity and to freedom;

And whereas the President did, in the same proclamation, further declare that the Constitution of the United States provides for constituent communities only as States, and not as Territories, dependencies, provinces, or protectorates;

And further, that such constituent States must necessarily be, and by the Constitution and the laws of the United States are made equals, and placed upon a like footing as to political rights, immunities, dignity, and power with the several States with which they are united;

And did further declare that the observance of political equality as a principle of right and justice is well calculated to encourage the people of the before-named States, except Texas, to be and to become more and more constant and persevering in their renewed allegiance;

And whereas the President did further declare, that standing armies, military occupation, martial law, military tribunals, and the suspension of the writ of *habeas corpus* are, in time of peace, dangerous to public liberty, incompatible with the individual rights of the citizen, contrary to the genius and spirit of our free institutions, and exhaustive of the national resources, and ought not, therefore, to be sanctioned or allowed, except in cases of actual necessity, for repelling invasion or suppressing insurrection or rebellion;

And the President did further, in the same proclamation, declare that the policy of the Government of the United States, from the beginning of the insurrection to its overthrow and final suppression, had been conducted in conformity with the principles in the last-named proclamation recited;

And whereas the President, in the said proclamation of the thirteenth of June one thousand eight hundred and sixty-five, upon the grounds therein stated and hereinbefore recited, did then and there proclaim and declare that the insurrection which heretofore existed in the several States before named, except in Texas, was at an end, was henceforth to be so regarded;

And whereas, subsequently to the said second day of April, one thousand eight hundred and sixty-five, the insurrection in the State of Texas has been completely and everywhere suppressed and ended, and the authority of the United States has been successfully and completely established in the said State of

Texas, and now remains therein unrestricted and undisputed, and such of the proper United States officers as have been duly commissioned within the limits of the said State are now in the undisturbed exercise of their official functions;

And whereas the laws can now be sustained and enforced in the said State of Texas by the proper civil authority, State or Federal, and the people of the said State of Texas, like the people of other States before named, are well and loyally disposed, and have conformed or will conform in their legislation to the condition of affairs growing out of the amendment of the Constitution of the United States prohibiting slavery within the limits and jurisdiction of the United States;

And whereas all the reasons and conclusions set forth in regard to several States therein specially named now apply equally and in all respects to the State of Texas, as well as to the other States which had been involved in insurrection;

And whereas adequate provision has been made by military orders to enforce the execution of the acts of Congress and the civil authorities, and secure obedience to the Constitution and the laws of the United States within the State of Texas, if a resort to military force for such purpose should at any time become necessary;

Now, therefore, I, Andrew Johnson, President of the United States, do hereby proclaim and declare that the insurrection which heretofore existed in the State of Texas is at an end, and is to be henceforth so regarded in that State, as in the other States before named, in which the said insurrection was proclaimed to be at an end by the aforesaid proclamation of the second day of April, one thousand eight hundred and sixty-six.

And I do further proclaim that the said insurrection is at an end, and that peace, order, tranquility, and civil authority now exist in and throughout the whole of the United States of America.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this twentieth day of August, in the year of our Lord one thousand eight hundred and sixty-six, and of the independence of the United States of America the ninety-first.

Andrew Johnson.

By the President:

Wm. H. Seward, *Secretary of State*.

SOURCE: Edward McPherson, *The Political History of the United States of America during the Period of Reconstruction*. 2nd ed. 1875; reprint, New York: Negro Universities Press, 1969.



## 15. Call for a National Union Movement Convention (June 25, 1866)

Recognizing by the summer of 1866 that he and the Republican Congress held irreconcilable differences, President Andrew Johnson gambled his political fate on a risky venture: creating a new political party to seize control of

Congress in the fall elections. Wary of the baggage attached to the Democratic Party, Johnson and his advisors termed his effort the "National Union Party" to capture a broader voter pool. The opening salvo in the battle for the national legislature was the call for a convention to meet in August.

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A National Union Convention, of at least two delegates from each congressional district of all the States, two from each Territory, two from the District of Columbia, and four delegates at large from each State, will be held at the city of Philadelphia, on the second Tuesday (14th) of August next.

Such delegates will be chosen by the electors of the several States who sustain the Administration in maintaining unbroken the Union of the States under the Constitution which our fathers established, and who agree in the following propositions, viz.:

The Union of the States is, in every case, indissoluble, and is perpetual; and the Constitution of the United States, and the laws passed by Congress in pursuance thereof, supreme, and constant, and universal in their obligation;

The rights, the dignity, and the equality of the States in the Union, including the right of representation in Congress, are solemnly guaranteed by that Constitution, to save which from overthrow so much blood and treasure were expended in the late civil war;

There is no right anywhere to dissolve the Union or to separate States from the Union, either by voluntary withdrawal, by force of arms, or by Congressional action, neither by the secession of the States, nor by the exclusion of their loyal and qualified representatives, nor by the National Government in any other form;

Slavery is abolished, and neither can, nor ought to be, re-established in any State or Territory within our jurisdiction;

Each State has the undoubted right to prescribe the qualifications of its own electors, and no external power rightfully can, or ought to, dictate, control, or influence the free and voluntary action of the States in the exercise of that right;

The maintenance inviolate of the rights of the States, and especially of the right of each State to order and control its own domestic concerns, according to its own judgment exclusively, subject only to the Constitution of the United States, is essential to that balance of power on which the perfection and endurance of our political fabric depend, and the overthrow of that system by the usurpation and centralization of power in congress would be a revolution, dangerous to republican government and destructive of liberty;

Each House of Congress is made by the Constitution the sole judge of the elections, returns, and qualifications of its members; but the exclusion of loyal Senators and Representatives, properly chosen and qualified under the Constitution and laws, is unjust and revolutionary;

Every patriot should frown upon all those acts and proceedings everywhere, which can serve no other purpose than to rekindle the animosities of war, and the effect of which upon our moral, social, and material interests at home, and upon our standing abroad, differing only in degree, is injurious like war itself;

The purpose of the war having been to preserve the Union and the Constitution by putting down the rebellion, and the rebellion having been suppressed, all resistance to the authority of the General Government being at an end, and the war having ceased, war measures should also cease, and should be followed by measures of peaceful administration, so that union, harmony, and concord may be encouraged, and industry, commerce, and the arts of peace revived and promoted; and the early restoration of all the States to the exercise of their constitutional powers in the national Government is indispensably necessary to the strength and the defence of the Republic, and to the maintenance of the public credit;

All such electors in the thirty-six States and nine Territories of the United States, and in the District of Columbia, who, in a spirit of patriotism and love for the Union, can rise above personal and sectional considerations, and who desire to see a truly National Union Convention, which shall represent all the States and Territories of the Union, assemble, as friends and brothers, under the national flag, to hold counsel together upon the state of the Union, and to take measures to avert possible danger from the same, are specially requested to take part in the choice of such delegates.

But no delegate will take a seat in such convention who does not loyally accept the national situation and cordially endorse the principles above set forth, and who is not attached, in true allegiance, to the Constitution, the Union, and the Government of the United States.

Washington, June 25, 1866

A.W. Randall,  
President.

J.R. Doolittle  
O.H. Browning  
Edgar Cowan  
Charles Knap  
Samuel Fowler

*Executive Committee National Union Club.*

We recommend the holding of the above convention, and endorse the call therefore.

Daniel S. Norton,  
J.W. Nesmith,

James Dixon,  
T.A. Hendricks,

SOURCE: Edward McPherson, *The Political History of the United States of America during the Period of Reconstruction*. 2nd ed. 1875; reprint, New York: Negro Universities Press, 1969.



## 16. Military Reconstruction Acts (1867)

Congressional Reconstruction (or "Radical Reconstruction") began on March 2, 1867, when Congress overrode President Andrew Johnson's same-day veto



of the First Military Reconstruction Act. Supplemental acts passed by the following Congress attempted to plug loopholes in the initial measure. From this point on, the Republican Party and Congress directed Reconstruction.

The acts began a total political restructuring of ten of the eleven former Confederate states (Tennessee had already been readmitted to the Union). The acts imposed radical elements, including stringent measures for readmission, broad disfranchisement of former Confederates, new state constitutions, military supervision of all civil officials, and African American male voting, but certain moderate characteristics existed. For instance, the acts did not displace Johnson's governments outright, nor did they call for land confiscation or territorial and geographic adjustments. Nevertheless, these measures resulted in actions and reactions that defined Reconstruction for the next decade.

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### **ACT OF MARCH 2, 1867**

#### **Reconstruction Act of the Thirty-Ninth Congress**

An Act to provide for the more efficient government of the rebel states.

*Whereas* no legal State governments or adequate protection for life or property now exist in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas; and whereas it is necessary that peace and good order should be enforced in said States until loyal and republican State governments can be legally established: Therefore

*Be it enacted, &c.*, That said rebel States shall be divided into military districts and made subject to the military authority of the United States, as hereinafter prescribed, and for that purpose Virginia shall constitute the first district; North Carolina and South Carolina the second district; Georgia, Alabama, and Florida the third district; Mississippi and Arkansas the fourth district; and Louisiana and Texas the fifth district.

Sec. 2. That it shall be the duty of the President to assign to the command of each of said districts an officer of the army, not below the rank of brigadier-general, and to detail a sufficient military force to enable such officer to perform his duties and enforce his authority within the district to which he is assigned.

Sec. 3. That it shall be the duty of each officer assigned as aforesaid to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public peace and criminals, and to this end he may allow local civil tribunals to take jurisdiction of and to try offenders, or, when in his judgment it may be necessary for the trial of offenders, he shall have power to organize military commissions or tribunals for that purpose; and all interference under color of State authority with the exercise of military authority under this act shall be null and void.

Sec. 4. That all persons put under military arrest by virtue of this act shall be tried without unnecessary delay, and no cruel or unusual punishment shall be inflicted; and no sentence of any military commission or tribunal hereby authorized, affecting the life or liberty of any person, shall be executed until it is

approved by the officer in command of the district, and the laws and regulations for the government of the army shall not be affected by this act, except in so far as they conflict with its provisions: *Provided*, That no sentence of death under the provisions of this act shall be carried into effect without the approval of the President.

Sec. 5. That when the people of any one of said rebel States shall have formed a constitution of government in conformity with the Constitution of the United States in all respects, framed by a convention of delegates elected by the male citizens of said State twenty-one years old and upward, of whatever race, color, or previous condition, who have been resident in said State for one year previous to the day of such election, except such as may be disfranchised for participation in the rebellion, or for felony at common law, and when such constitution shall provide that the elective franchise shall be enjoyed by all such persons as have the qualifications herein stated for electors of delegates, and when such constitution shall be ratified by a majority of the persons voting on the question of ratification who are qualified as electors for delegates, and when such constitution shall have been submitted to Congress for examination and approval, and Congress shall have approved the same, and when said State, by a vote of its legislature elected under said constitution, shall have adopted the amendment to the Constitution of the United States, proposed by the Thirty-Ninth Congress, and known as article fourteen, and when said article shall have become a part of the Constitution of the United States, said State shall be declared entitled to representation in Congress, and Senators and Representatives shall be admitted therefrom on their taking the oaths prescribed by law, and then and thereafter the preceding sections of this act shall be inoperative in said State: *Provided*, That no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States shall be eligible to election as a member of the convention to frame a constitution for any of said rebel States, nor shall any such person vote for members of such convention.

Sec. 6. That until the people of said rebel states shall be by law admitted to representation in the Congress of the United States, any civil governments which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control, or supersede the same; and in all elections to any office under such provisional governments all persons shall be entitled to vote, and none others, who are entitled to vote under the provisions of the fifth section of this act; and no person shall be eligible to any office under any such provisional governments who would be disqualified from holding office under the provisions of the third article of said constitutional amendment.

## **ACT OF MARCH 23, 1867**

### **Supplementary Reconstruction Act of Fortieth Congress**

An Act supplementary to an act entitled "An act to provide for the more efficient government of the rebel states," passed March second, eighteen hundred and sixty-seven, and to facilitate restoration.

*Be it enacted, &c.*, That before the first day of September, eighteen hundred and sixty-seven, the commanding general in each district defined by an act entitled "An Act to provide for the more efficient government of the rebel States," passed March second, eighteen hundred and sixty-seven, shall cause a registration to be made of the male citizens of the United States, twenty-one years of age and upwards, resident in each county or parish in the State or States included in his district, which registration shall include only those persons who are qualified to vote for delegates by the act aforesaid, and who shall have taken and subscribed the following oath or affirmation: "I, \_\_\_\_\_, do solemnly swear, (or affirm,) in the presence of Almighty God, that I am a citizen of the State of \_\_\_\_\_; that I have resided in said State for \_\_\_\_\_ months next preceding this day, and now reside in the county of \_\_\_\_\_, or the parish of \_\_\_\_\_, in said State, (as the case may be) that I am twenty-one years old; that I have not been disfranchised for participation in any rebellion or civil war against the United States, nor for felony committed against the laws of any State or of the United States; that I have never been a member of any State legislature, nor held any executive or judicial office in any State and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States or given aid or comfort to the enemies thereof; that I will faithfully support the Constitution and obey the laws of the United States, and will, to the best of my ability, encourage others so to do, so help me God;" which oath or affirmation may be administered by any registering officer.

Sec. 2. That after the completion of the registration hereby provided for in any State, at such time and places therein as the commanding general shall appoint and direct, of which at least thirty days' public notice shall be given, an election shall be held of delegates to a convention for the purpose of establishing a constitution and civil government for such state loyal to the Union, said convention in each State, except Virginia, to consist of the same number of members as the most numerous branch of the State legislature of such State in the year eighteen hundred and sixty, to be apportioned among the several districts, counties, or parishes of such State by the commanding general, giving to each representation in the ratio of voters registered as aforesaid, as nearly as may be. The convention in Virginia shall consist of the same number of members as represented the territory now constituting Virginia in the most numerous branch of the legislature of said State in the year eighteen hundred and sixty, to be apportioned as aforesaid.

Sec. 3. That at said election the registered voters of each State shall vote for or against a convention to form a constitution therefor under this act. Those voting in favor of such a convention shall have written or printed on the ballots by which they vote for delegates, as aforesaid, the words "For a convention," and those voting against such a convention shall have written or printed on such ballots the words "Against a convention." The person appointed to superintend said election, and to make return of the votes given

thereat, as herein provided, shall count and make return of the votes given for and against a convention; and the commanding general to whom the same shall have been returned shall ascertain and declare the total vote in each State for and against a convention. If a majority of the votes given on that question shall be for a convention, then such convention shall be held as hereinafter provided; but if a majority of said votes shall be against a convention, then no such convention shall be held under this act: *Provided*, That such convention shall not be held unless a majority of all such registered voters shall have voted on the question of holding such convention.

Sec. 4. That the commanding general of each district shall appoint as many boards of registration as may be necessary, consisting of three loyal officers or persons, to make and complete the registration, superintend the election, and make return to him of the votes, lists of voters, and of the persons elected as delegates by a plurality of the votes cast at said election; and upon receiving said returns he shall open the same, ascertain the persons elected as delegates according to the returns of the officers who conducted said election, and make proclamation thereof; and if a majority of the votes given on that question shall be for a convention, the commanding general, within sixty days from the date of election, shall notify the delegates to assemble in convention, at a time and place to be mentioned in the notification, and said convention, when organized, shall proceed to frame a constitution and civil government according to the provisions of this act and the act to which is it [*sic*] supplementary; and when the same shall have been so framed, said constitution shall be submitted by the convention for ratification to the persons registered under the provisions of this act at an election to be conducted by the officers or persons appointed or to be appointed by the commanding general, as hereinbefore provided, and to be held after the expiration of thirty days from the date of notice thereof, to be given by said convention; and the returns thereof shall be made to the commanding general of the district.

Sec. 5. That if, according to said returns, the constitution shall be ratified by a majority of the votes of the registered electors qualified as herein specified, cast at said election, (at least one half of all the registered voters voting upon the question of such ratification,) the president of the convention shall transmit a copy of the same, duly certified, to the President of the United States, who shall forthwith transmit the same to Congress, if then in session, and if not in session, then immediately upon its next assembling; and if it shall, moreover, appear to Congress that the election was one at which all the registered and qualified electors in the State had an opportunity to vote freely and without restraint, fear, or the influence of fraud, and if the Congress shall be satisfied that such constitution meets the approval of a majority of all the qualified electors in the State, and if the said constitution shall be declared by Congress to be in conformity with the provisions of the act to which this is supplementary, and the other provisions of said act shall have been complied with, and the said constitution shall be approved by Congress, the State shall be declared entitled to representation, and Senators and Representatives shall be admitted therefrom as therein provided.

Sec. 6. That all elections in the States mentioned in the said "Act to provide for the more efficient government of the rebel States," shall, during the

operation of said act, be by ballot; and all officers making the said registration of voters and conducting said elections shall, before entering upon the discharge of their duties, take and subscribe the oath prescribed by the act approved July second, eighteen hundred and sixty-two, entitled "An act to prescribe an oath of office:" *Provided*, That if any person shall knowingly and falsely take and subscribe any oath in this act prescribed, such person so offending and being thereof duly convicted, shall be subject to the pains, penalties, and disabilities which by law are provided for the punishment of the crime of willful and corrupt perjury.

Sec. 7. That all expenses incurred by the several commanding generals, or by virtue of any orders issued, or appointments made, by them, under or by virtue of this act, shall be paid out of any moneys in the treasury not otherwise appropriated.

Sec. 8. That the convention for each State shall prescribe the fees, salary, and compensation to be paid to all delegates and other officers and agents herein authorized or necessary to carry into effect the purposes of this act not herein otherwise provided for, and shall provide for the levy and collection of such taxes on the property in such State as may be necessary to pay the same.

Sec. 9. That the word article, in the sixth section of the act to which this is supplementary, shall be construed to mean section.

## **ACT OF JULY 19, 1867**

### **Supplementary Reconstruction Act of July 19, 1867**

An Act supplementary to an act entitled "An Act to provide for the more efficient government of the rebel states," passed on the second day of March, 1867, and the act supplementary thereto, passed on the 23d day of March, 1867.

*Be it enacted, &c.*, That it is hereby declared to have been the true intent and meaning of the act of the 2d day of March, 1867, entitled "An act to provide for the more efficient government of the rebel States," and of the act supplementary thereto, passed on the 23d day of March, 1867, that the governments then existing in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas, were not legal State governments; and that thereafter said governments, if continued, were to be continued subject in all respects to the military commanders of the respective districts, and to the paramount authority of Congress.

Sec. 2. That the commander of any district named in said act shall have power, subject to the disapproval of the General of the army of the United States, and to have effect till disapproved, whenever in the opinion of such commander the proper administration of said act shall require it, to suspend or remove from office, or from the performance of official duties and the exercise of official powers, any officer or person holding or exercising, or professing to hold or exercise, any civil or military office or duty in such district under any power, election, appointment, or authority derived from, or granted by, or claimed under, any so-called State or the government thereof, or

any municipal or other division thereof; and upon such suspension or removal such commander, subject to the disapproval of the General as aforesaid, shall have power to provide from time to time for the performance of the said duties of such officer or person so suspended or removed, by the detail of some competent officer or soldier of the army, or by the appointment of some other person to perform the same, and to fill vacancies occasioned by death, resignation, or otherwise.

Sec. 3. That the General of the army of the United States shall be invested with all the powers of suspension, removal, appointment, and detail granted in the preceding section to district commanders.

Sec. 4. That the acts of the officers of the army already done in removing in said districts persons exercising the functions of civil officers, and appointing others in their stead, are hereby confirmed: *Provided*, That any person heretofore or hereafter appointed by any district commander to exercise the functions of any civil office, may be removed either by the military officer in command of the district, or by the General of the army. And it shall be the duty of such commander to remove from office, as aforesaid, all persons who are disloyal to the Government of the United States, or who use their official influence in any manner to hinder, delay, prevent, or obstruct the due and proper administration of this act and the acts to which it is supplementary.

Sec. 5. That the boards of registration provided for in the act entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the rebel States,' passed March 2, 1867, and to facilitate restoration," passed March 23, 1867, shall have power, and it shall be their duty, before allowing the registration of any person, to ascertain, upon such facts or information as they can obtain, whether such person is entitled to be registered under said act, and the oath required by said act shall not be conclusive on such question, and no person shall be registered unless such board shall decide that he is entitled thereto; and such board shall also have power to examine, under oath, (to be administered by any member of such board,) any one touching the qualification of any person claiming registration; but in every case of refusal by the board to register an applicant, and in every case of striking his name from the list as hereinafter provided, the board shall make a note or memorandum, which shall be returned with the registration list to the commanding general of the district, setting forth the grounds of such refusal or such striking from the list: *Provided*, That no person shall be disqualified as member of any board of registration by reason of race or color.

Sec. 6. That the true intent and meaning of the oath prescribed in said supplementary act is, (among other things,) that no person who has been a member of the Legislature of any State, or who has held any executive or judicial office in any State, whether he has taken an oath to support the Constitution of the United States or not, and whether he was holding such office at the commencement of the rebellion, or had held it before, and who has afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof, is entitled to be registered or to vote; and the words "executive or judicial office in any State" in said oath mentioned shall be construed to include all civil offices created by law for the administration of any general law of a State, or for the administration of justice.

Sec. 7. That the time for completing the original registration provided for in said act may, in the discretion of the commander of any district, be extended to the 1st day of October, 1867; and the boards of registration shall have power, and it shall be their duty, commencing fourteen days prior to any election under said act, and upon reasonable public notice of the time and place thereof, to revise, for a period of five days, the registration lists, and, upon being satisfied that any person not entitled thereto has been registered, to strike the name of such person from the list, and such person shall not be allowed to vote. And such board shall also, during the same period, add to such registry the names of all persons who at that time possess the qualifications required by said act who have not been already registered; and no person shall, at any time, be entitled to be registered or to vote, by reason of any executive pardon or amnesty, for any act or thing which, without such pardon or amnesty, would disqualify him from registration or voting.

Sec. 8. That section four of said last-named act shall be construed to authorize the commanding general named therein, whenever he shall deem it needful, to remove any member of a board of registration and to appoint another in his stead, and to fill any vacancy in such board.

Sec. 9. That all members of said boards of registration, and all persons hereafter elected or appointed to office in said military districts, under any so-called State or municipal authority, or by detail or appointment of the district commanders, shall be required to take and to subscribe the oath of office prescribed by law for officers of the United States.

Sec. 10. That no district commander or member of the board of registration, or any of the officers or appointees acting under them, shall be bound in his action by any opinion of any civil officer of the United States.

Sec. 11. That all the provisions of this act and of the acts to which this is supplementary shall be construed liberally, to the end that all the intents thereof may be fully and perfectly carried out.

SOURCE: History Department, East Tennessee State University at <http://www.etsu.edu/cas/history/docs>.



## **17. Tenure of Office Act (March 1867)**

Passed the same day as the Military Reconstruction Act and the Army Appropriations Act, the Tenure of Office Act was another Republican measure intended to fetter the president. Through this act, Republicans hoped to protect their loyal army of patronage officeholders from executive removal. Although ambiguous, many then and now also claim it protected the cabinet, and the important Republicans serving under Johnson. The act formed the basis of the House of Representative's impeachment case; the House argued that President Johnson violated the act when he removed Secretary of War Edwin M. Stanton.

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**CHAP. CLIV.—AN ACT REGULATING THE TENURE  
OF CERTAIN CIVIL OFFICES**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office, and shall become duly qualified to act therein, is, and shall be entitled to hold such office until a successor shall have been in like manner appointed and duly qualified, except as herein otherwise provided: Provided, That the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, Postmaster General, and the Attorney General, shall hold their offices respectively for and during the term of the President by whom they may have been appointed and for one month thereafter, subject to removal by and with the advice and consent of the Senate.

Sec. 2. *And be it further enacted,* That when any officer appointed as aforesaid, excepting judges of the United States courts, shall, during a recess of the Senate, be shown, by evidence satisfactory to the President, to be guilty of misconduct in office, or crime, or for any reason shall become incapable or legally disqualified to perform its duties, in such case, and in no other, the President may suspend such officer and designate some suitable person to perform temporarily the duties of such office until the next meeting of the Senate, and until the case shall be acted upon by the Senate, and such person so designated shall take the oaths and give the bonds required by law to be taken and given by the person duly appointed to fill such office; and in such case it shall be the duty of the President, within twenty days after the first day of such next meeting of the Senate, to report to the Senate such suspension, with the evidence and reasons for his action in the case, and the name of the person so designated to perform the duties of such office. And if the Senate shall concur in such suspension and advise and consent to the removal of such officer, they shall so certify to the President, who may thereupon remove such officer, and, by and with the advice and consent of the Senate, appoint another person to such office. But if the Senate shall refuse to concur in such suspension, such officer so suspended shall forthwith resume the functions of his office, and the powers of the person so performing its duties in his stead shall cease, and the official salary and emoluments of such officer shall, during such suspension, belong to the person so performing the duties thereof, and not to the officer so suspended: *Provided, however,* That the President, in case he shall become satisfied that such suspension was made on insufficient grounds, shall be authorized, at any time before reporting such suspension to the Senate as above provided, to revoke such suspension and reinstate such officer in the performance of the duties of his office.

Sec. 3. *And be it further enacted,* That the President shall have power to fill all vacancies which may happen during the recess of the Senate, by reason of death or resignation, by granting commissions which shall expire at the end of their next session thereafter. And if no appointment, by and with the advice and consent of the Senate, shall be made to such office so vacant or temporarily



filled as aforesaid during such next session of the Senate, such office shall remain in abeyance, without any salary, fees, or emoluments attached thereto, until the same shall be filled by appointment thereto, by and with the advice and consent of the Senate; and during such time all the powers and duties belonging to such office shall be exercised by such other officer as may by law exercise such powers and duties in case of a vacancy of such office.

Sec. 4. *And be it further enacted*, That nothing in this act contained shall be construed to extend the term of any office the duration of which is limited by law.

Sec. 5. *And be it further enacted*, That if any person shall, contrary to the provisions of this act, accept any appointment to or employment in any office, or shall hold or exercise or attempt to hold or exercise, any such office or employment, he shall be deemed, and is hereby declared to be, guilty of a high misdemeanor, and, upon trial and conviction thereof, he shall be punished therefore by a fine not exceeding ten thousand dollars, or by imprisonment not exceeding five years, or both said punishments in the discretion of the court.

Sec. 6. *And be it further enacted*, That every removal, appointment, or employment, made, had, or exercised, contrary to the provisions of this act, and the making, signing, sealing, countersigning, or issuing of any commission or letter of authority for or in respect to any such appointment or employment, shall be deemed, and are hereby declared to be, high misdemeanors, and, upon trial and conviction thereof, every person guilty thereof shall be punished by a fine not exceeding ten thousand dollars, or by imprisonment not exceeding five years, or both said punishments, in the discretion of the court: *Provided*, That the President shall have power to make out and deliver, after the adjournment of the Senate, commissions for all officers whose appointment shall have been advised and consented to by the Senate.

Sec. 7. *And be it further enacted*, That it shall be the duty of the Secretary of the Senate, at the close of each session thereof, to deliver to the Secretary of the Treasury, and to each of his assistants, and to each of the Auditors, and to each of the Comptrollers in the Treasury, and to the Treasurer, and to the Register of the Treasury, a full and complete list, duly certified, of all the persons who shall have been nominated to and rejected by the Senate during such session, and a like list of all the offices to which nominations shall have been made and not confirmed and filled at such session.

Sec. 8. *And be it further enacted*, That whenever the President shall, without the advice and consent of the Senate, designate, authorize, or employ any person to perform the duties of any office, he shall forthwith notify the Secretary of the Treasury thereof; and it shall be the duty of the Secretary of the Treasury thereupon to communicate such notice to all the proper accounting and disbursing officers of his Department.

Sec. 9. *And be it further enacted*, That no money shall be paid or received from the Treasury, or paid or received from or retained out of any public money or funds of the United States, whether in the Treasury or not, to or by or for the benefit of any person appointed to or authorized to act in or holding or exercising the duties or functions of any office contrary to the provisions of this act; nor shall any claim, account, voucher, order, certificate, warrant, or other instrument providing for or relating to such payment, receipt, or retention, be presented, passed, allowed, approved, certified, or paid by any

officer of the United States, or by any person exercising the functions or performing the duties of any office or place of trust under the United States, for or in respect to such office, or the exercising or performing the functions or duties thereof; and every person who shall violate any of the provisions of this section shall be deemed guilty of a high misdemeanor, and, upon trial and conviction thereof, shall be punished therefor by a fine not exceeding ten thousand dollars, or by imprisonment not exceeding ten years, or both said punishments, in the discretion of the court.

Schuyler Colfax,  
*Speaker of the House of Representatives.*  
 La Fayette S. Foster,  
*President of the Senate pro tempore.*

In the Senate of the United States,  
 March 2, 1867.

The President of the United States having returned to the Senate, in which it originated, the bill entitled "An act regulating the tenure of certain civil offices," with his objections thereto, the Senate proceeded, in pursuance of the Constitution, to reconsider the same; and

*Resolved*, That the said bill do pass, two thirds of the Senate agreeing to pass the same.

Attest: J.W. Forney  
*Secretary of the Senate.*

In the House of Representatives U.S.,  
 March 2, 1867.

The House of Representatives having proceeded, in pursuance of the Constitution, to reconsider the bill entitled "An act regulating the tenure of certain civil offices," returned to the Senate by the President of the United States, with his objections, and sent by the Senate to the House of Representatives, with the message of the President returning the bill—

*Resolved*, That the bill do pass, two thirds of the House of Representatives agreeing to pass the same.

Attest: Edwd. McPherson, *Clerk.*

SOURCE: *Congressional Globe*, 39th Congress, 2nd Session.



## 18. Army Appropriations Act/Command of the Army Act (March 1867)

This act, together with the Tenure of Office Act passed the same day, represented Congress's attempt to protect its Reconstruction program from President Andrew Johnson's interference. The Appropriations Act was an ordinary, annual piece of legislation, but affixed to it was a carefully crafted

rider: the Command of the Army Act. This act was intended to protect the general of the army, Ulysses S. Grant, who seemed sympathetic to the Republican cause. The rider also restricted the president's ability to communicate directly with military forces in the South, and disbanded any local southern forces that could pose a threat to army occupation.

Because of its clever bundling, Johnson did not veto the act, the only piece of Reconstruction legislation he did not veto. Instead, he sent a presidential "protest" to Congress that derided that body for trouncing traditional executive powers.

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Chap. CLXX.—An Act making Appropriations for the Support of the Army for the year ending June thirtieth, eighteen hundred and sixty-eight, and for other purposes.

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending the thirtieth of June, eighteen hundred and sixty-eight:

For expenses of recruiting, transportation of recruits, and compensation to citizen surgeons for medical attendance, three hundred thousand dollars.

For pay of the Army, fourteen million seven hundred and fifty-seven thousand nine hundred and fifty-two dollars.

For commutation of officers' assistance, two million two hundred and twenty-eight thousand nine hundred and eighty-two dollars.

For commutation of forage for officers' horses, one hundred and four thousand six hundred dollars.

For payments in lieu of clothing for officers' servants, two hundred and seventy-six thousand nine hundred and seventy-eight dollars.

For payments to discharged soldiers for clothing not drawn, two hundred thousand dollars.

For contingencies of the Army, one hundred thousand dollars.

For artificial limbs for soldiers and seamen, seventy thousand dollars.

For Army medical museum, ten thousand dollars.

For medical works for library of Surgeon General's office, ten thousand dollars.

For expenses of Commanding General's office, ten thousand dollars.

#### **FOR REPAIRS AND IMPROVEMENTS OF ARMORIES AND ARSENALS**

For arsenal and armory at Rock Island, Illinois, six hundred and eighty-six thousand five hundred dollars.

For erection of a bridge at Rock Island, Illinois, as recommended by the chief of Ordnance, two hundred thousand dollars: *Provided*, That the ownership of said bridge shall be and remain in the United States, and the Rock Island and Pacific Railroad Company shall have the right of way over said bridge for all purposes of transit across the island and river, upon the condition that the said company shall, before any money is expended by the Government, agree to pay and shall secure to the United States, first, half the cost of said bridge; and second, half the expenses of keeping said bridge in

repair; and upon guarantying said conditions to the satisfaction of the Secretary of War, by contract or otherwise, the said company shall have free use of said bridge for purposes of transit, but without any claim to ownership thereof.

For Watervliet arsenal, West Troy, New York, thirty-eight thousand two hundred dollars.

For current expenses of the ordnance service three hundred thousand dollars.

For Allegheny arsenal, Pittsburg, Pennsylvania, thirty-four thousand dollars.

For Champlain arsenal at Vergennes, Vermont, eight hundred dollars.

For Columbus arsenal, Columbus, Ohio, one hundred and thirty-nine thousand six hundred and twenty-five dollars.

For Fort Monroe arsenal, Old Point Comfort, Virginia, six thousand dollars.

For Fort Union arsenal, Fort Union, New Mexico, ten thousand dollars.

For Frankford arsenal, Bridesburg, Pennsylvania, thirty thousand dollars.

For Kennebec arsenal, Augusta, Maine, one thousand five hundred and twenty-five dollars.

For Indianapolis arsenal, Indianapolis, Indiana, one hundred and sixty-nine thousand six hundred and twenty-five dollars.

For Leavenworth arsenal, Leavenworth, Kansas, fifteen thousand dollars.

For New York arsenal, Governor's Island, New York, one thousand two hundred dollars.

For Pikesville arsenal, Pikesville, Maryland, eight hundred dollars.

For St. Louis arsenal, St. Louis, Missouri, sixty-five thousand dollars.

For Washington arsenal, Washington, District of Columbia, fifty thousand dollars.

For Watertown arsenal, Watertown, Massachusetts, twenty-one thousand six hundred and sixty-seven dollars.

For the purchase of the Willard Sears estate, adjoining the Watertown arsenal grounds, forty-nine thousand and seven hundred dollars, or so much thereof as may be deemed necessary; and the Secretary of War is hereby authorized to sell at public auction a lot of land belonging to the United States situated in South Boston, if, in his opinion, the same is not needed, for the public service, and pay the proceeds thereof into the Treasury.

#### **BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS**

For salaries of assistant commissioners, subassistant commissioners, and agents, one hundred and forty-seven thousand five hundred dollars.

For salaries of clerks, eighty-two thousand eight hundred dollars.

For stationery and printing, sixty-three thousand dollars.

For quarters and fuel, two hundred thousand dollars.

For commissary stores, one million five hundred thousand dollars.

For medical department, five hundred thousand dollars.

For transportation, eight hundred thousand dollars.

For school superintendents, eight hundred thousand dollars.

For buildings for schools and asylums, including construction, rental, and repairs, five hundred thousand dollars.

For telegraphing and postage, eighteen thousand dollars: *Provided*, That the Commissioner be hereby authorized to apply any balance on hand, at this date, of the refugees and freedmen's fund, accounted for in his last annual report, to aid educational institutions actually incorporated for loyal refugees and freedmen: *And provided further*, That no agent or clerk not heretofore authorized by law shall receive a monthly allowance exceeding the sum of two hundred dollars.

Sec. 2. *And be it further enacted*, That the headquarters of the General of the Army of the United States shall be at the city of Washington, and all orders and instructions relating to military operations issued by the President or Secretary of War shall be issued through the General of the Army, and, in case of his inability, through the next in rank. The General of the Army shall not be removed, suspended, or relieved of command, or assigned to duty elsewhere than at said headquarters, except at his own request, without the previous approval of the Senate; and any orders or instructions relating to military operations issued contrary to the requirements of this section shall be null and void; and any officer who shall issue orders or instructions contrary to the provisions of this section shall be deemed guilty of a misdemeanor in office; and any officer of the Army who shall transmit, convey, or obey any orders or instructions so issued contrary to the provisions of this section, knowing that such orders were so issued, shall be liable to imprisonment for not less than two nor more than twenty years, upon conviction thereof in any court of competent jurisdiction.

Sec. 3. *And be it further enacted*, That section three of the joint resolution relative to appointments to the Military Academy, approved June sixteen, eighteen hundred and sixty-six, be, and the same is hereby, repealed.

Sec. 4. *And be it further enacted*, That the sum of one hundred and fifty thousand dollars be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, to be dispersed by the Secretary of War, in the erection of fire-proof buildings at or near the city of Jeffersonville, in the State of Indiana, to be used as storehouses for Government property.

Sec. 5. *And be it further enacted*, That it shall be the duty of the officers of the Army and Navy, and of the Freedmen's Bureau, to prohibit and prevent whipping or maiming of the person, as a punishment for any crime, misdemeanor, or offense, by any pretended civil or military authority in any State lately in rebellion until the civil government of such State shall have been restored, and shall have been recognized by the Congress of the United States.

Sec. 6. *And be it further enacted*, That all militia forces now organized or in service in either of the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, and Texas, be forthwith disbanded, and that the further organization, arming, or callings into the service of the said militia forces, or any part thereof, is hereby prohibited under any circumstances whatever. Until the same shall be authorized by Congress.

Sec. 7. *And be it further enacted*, That the Paymaster-General be authorized to pay under such regulations as the Secretary of War shall prescribe in addition to the amount received by them, for the traveling expenses of such California and Nevada volunteers as were discharged in New Mexico, Arizona,

or Utah, and at points distant from the place or places of enlistment, such proportionate sum according to the distance traveled as have been paid to the troops of other States similarly situated; and such amount as shall be necessary to pay the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Approved, March 2, 1867.

SOURCE: *Congressional Globe*, 39th Congress, 2nd Session.



## **19. Fourteenth Amendment to the U.S. Constitution (Ratified July 28, 1868)**

One of the most complex and controversial amendments, the Fourteenth Amendment was Congress's attempt to protect civil rights legislation from presidential vetoes or future congressional revocations. As passed in 1866, the Fourteenth Amendment represented another compromise for Republicans, as it completely redefined citizenship in the United States, yet stopped well short of defining exactly what that citizenship entailed. Similarly, the amendment was the first national projection of black suffrage, but did not actively confer it; instead, it linked black voting to congressional representation in an effort to encourage state action.

Congressional Republicans hoped it could be the "peace treaty" ending the rebellion and Reconstruction, for ratification by the Johnson governments in the former Confederate states brought readmission to the Union. In the end, only Tennessee ratified the amendment—and became the first state readmitted. The rejection of the amendment by the other southern states marked the final break between Congress and the president, and those ten states faced an entirely new program for readmission. Only under the southern Republican governments created by the Military Reconstruction Acts did the amendment finally gain enough state support to become part of the Constitution.

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### **ARTICLE XIV**

*Section 1:* All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

*Section 2:* Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such States, being twenty-one years of age, and citizens of

the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

*Section 3:* No person shall be a Senator or Representative in Congress, or elector of President or Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

*Section 4:* The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

*Section 5:* The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.



## **20. Articles of Impeachment against President Andrew Johnson (February 21, 1868)**

On February 24, 1868, the House of Representatives voted 128–47 to impeach President Johnson for “high crimes and misdemeanors.” No formal charges actually existed, so Speaker Schuyler Colfax requested that a committee draw some up. Called the “articles of impeachment,” they were formally adopted on March 3, and then backdated to the 21st, the day the Committee on Reconstruction introduced the impeachment resolution. These eleven articles served as the House’s accusations against Johnson, and formed the case taken by the impeachment managers into the Senate trial.

The first eight revolved around Johnson’s alleged violation of the Tenure of Office Act. Article IX involved the Army Appropriations Act, Article X (written by Benjamin Butler) charged Johnson with publicly ridiculing Congress, and Article XI (written by Thaddeus Stevens) accused him of failing to execute the law—and thus his duties—by interfering with the Reconstruction Acts. After the prosecution and defense rested, the Senate voted on Article XI first, believing it the most likely to bring conviction. When that failed, the Senate took up Article II, hoping it best summarized the Tenure Act crisis; this too failed, and with it, the case against Johnson.

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Articles exhibited by the House of Representatives of the United States in the name of themselves and all the people of the United States, against Andrew

Johnson, President of the United States, in maintenance and support of their impeachment against him for high crimes and misdemeanors in office.

## ARTICLE I

That said Andrew Johnson, President of the United States, on the 21st day of February, in the year of our Lord eighteen hundred and sixty-eight, at Washington, in the District of Columbia, unmindful of the high duties of his office, of his oath of office, and of the requirement of the Constitution that he should take care that the laws be faithfully executed, did unlawfully, and in violation of the Constitution and laws of the United States issue an order in writing for the removal of Edwin M. Stanton from the office of Secretary for the Department of War, said Edwin M. Stanton having been theretofore duly appointed and commissioned by and with the advice and consent of the Senate of the United States, as such secretary, and said Andrew Johnson, President of the United States, on the twelfth day of August in the year of our Lord eighteen hundred and sixty-seven, and during the recess of said Senate, having suspended by his order Edwin M. Stanton from said office, and within twenty days after the first day of the next meeting of said Senate, that is to say, on the twelfth day of December in the year last aforesaid having reported to said Senate such suspension with the evidence and reasons for his action in the case and the name of the person designated to perform the duties of such office temporarily until the next meeting of the Senate, and said Senate thereafter, on the thirteenth day of January, in the year of our Lord eighteen hundred and sixty-eight, having duly considered the evidence and reasons reported by said Andrew Johnson for said suspension, and having refused to concur in said suspension, whereby and by force of the provisions of an act entitled "An Act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, said Edwin M. Stanton did forthwith resume the functions of his office, whereof the said Andrew Johnson had then and there due notice, and said Edwin M. Stanton, by reason of the premises, on said 21st day of February, being lawfully entitled to hold said office of Secretary for the Department of War, which said order for the removal of said Edwin M. Stanton is in substance as follows, that is to say:

Executive Mansion, Washington, D.C., Feb. 21, 1868.

Sir:—By virtue of the power and authority vested in me as President by the Constitution and laws of the United States you are hereby removed from office as Secretary for the Department of War, and your functions as such will terminate upon the receipt of this communication.

You will transfer to Brevet Major General Lorenzo Thomas, Adjutant General of the army, who has this day been authorized and empowered to act as Secretary of War ad interim, all records, books, papers, and other public property now in your custody and charge.

Respectfully yours, Andrew Johnson. To the Hon. Edwin M. Stanton, Washington, D.C.

Which order was unlawfully issued with intent then and there to violate the act entitled "An Act regulating the tenure of certain civil offices," passed



March 2d, 1867, and with the further intent contrary to the provisions of said act, in violation thereof, and contrary to the provisions of the Constitution of the United States, and without the advice and consent of the Senate of the United States, the said Senate then and there being in session, to remove said Edwin M. Stanton from the office of Secretary for the Department of War, the said Edwin M. Stanton being then and there Secretary for the Department of War, and being then and there in the due and lawful execution and discharge of the duties of said office, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

## ARTICLE II

That on the said twenty-first of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, said Andrew Johnson, President of the United States, unmindful of the high duties of his office, of his oath of office, and in violation of the Constitution of the United States, and contrary to the provisions of an act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, without the advice and consent of the Senate of the United States, said Senate then and there being in session, and without authority of law, did, with intent to violate the Constitution of the United States, and the act aforesaid, issue and deliver to one Lorenzo Thomas a letter of authority in substance as follows, that is to say:

Executive Mansion. Washington, D.C., February 21, 1868.

Sir:—The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War ad interim, and will immediately enter upon the discharge of the duties pertaining to that office.

Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

Respectfully yours, Andrew Johnson. To Brevet Major General Lorenzo Thomas. Adjutant General U.S. Army, Washington, D.C.

Then and there being no vacancy in said office of Secretary for the Department of War, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

## ARTICLE III

That said Andrew Johnson, President of the United States, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, did commit and was guilty of a high misdemeanor in office in this, that, without authority of law, while the Senate of the United States was then and there in session, he did appoint one Lorenzo Thomas to be Secretary for the Department of War ad interim, without the advice and consent of the Senate, and with intent to violate the Constitution of the United States, and no vacancy having happened in said office of Secretary for the Department of War during the recess of the Senate,

and no vacancy existing in said office at the time, and which said appointment, so made by said Andrew Johnson, of said Lorenzo Thomas, is in substance as follows, that is to say:

Executive Mansion, Washington, D.C., Feb. 21, 1868.

Sir:—The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War ad interim, and will immediately enter upon the discharge of the duties pertaining to that office.

Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

Respectfully yours, Andrew Johnson. To Brevet Major General Lorenzo Thomas, Adjutant General, U.S. Army, Washington, D.C.

#### ARTICLE IV

That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, in violation of the Constitution and laws of the United States, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, and with other persons to the House of Representatives unknown, with intent, by intimidation and threats, unlawfully to hinder and prevent Edwin M. Stanton, then and there the Secretary for the Department of War, duly appointed under the laws of the United States, from holding said office of Secretary for the Department of War, contrary to and in violation of the Constitution of the United States, and of the provisions of an act entitled "An act to define and punish certain conspiracies," approved July thirty-first, eighteen hundred and sixty-one, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high crime in office.

#### ARTICLE V

That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, and on divers other days and times in said year, before the second day of March, in the year, of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, and with other persons to the House of Representatives unknown, to prevent and hinder the execution of an act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, and in pursuance of said conspiracy, did unlawfully attempt to prevent Edwin M. Stanton, then and there being Secretary for the Department of War, duly appointed and commissioned under the laws of the United States, from holding said office, whereby the said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

**ARTICLE VI**

That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas by force to seize, take and possess the property of the United States in the Department of War, and then and there in the custody and charge of Edwin M. Stanton, Secretary for said Department, contrary to the provisions of an act entitled "An act to define and punish certain conspiracies," approved July thirty-one, eighteen hundred and sixty one, and with intent to violate and disregard an act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, whereby said Andrew Johnson, President of the United States, did then and there commit a high crime in office.

**ARTICLE VII**

That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington. in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas with intent unlawfully to seize, take, and possess the property of the United States in the Department of War, in the custody and charge of Edwin M. Stanton Secretary for said Department, with intent to violate and disregard the act entitled "An act regulating the tenure of certain civil offices" passed March second, eighteen hundred and sixty-seven, whereby said Andrew Johnson, President of the United States, did then and there commit a high misdemeanor in office.

**ARTICLE VIII**

That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, with intent unlawfully to control the disbursements of the moneys appropriated for the military service and for the Department of War, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, did unlawfully and contrary to the provisions of an act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, and in violation of the Constitution of the United States, and without the advice and consent of the Senate of the United States, and while the Senate was then and there in session, there being no vacancy in the office of Secretary for the Department of War, and with intent to violate and disregard the act aforesaid, [did] then and there issue and deliver to one Lorenzo Thomas a letter of authority in writing, in substance as follows, that is to say:

Executive Mansion, Washington, D.C., Feb. 21, 1868.

Sir:—The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War ad interim, and will immediately enter upon the discharge of the duties pertaining to that office.

Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

Respectfully yours, Andrew Johnson. To Brevet Major General Lorenzo Thomas, Adjutant General, United States Army, Washington, D.C.

Whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

#### ARTICLE IX

That said Andrew Johnson, President of the United States, on the twenty-second day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, in disregard of the Constitution, and the laws of the United States duly enacted, as commander-in-chief of the army of the United States, did bring before himself then and there William H. Emory, a major-general by brevet in the army of the United States, actually in command of the department of Washington and the military forces thereof, and did then and there, as such commander-in-chief, declare to and instruct said Emory that part of a law of the United States, passed March second, eighteen hundred and sixty-seven entitled "An act making appropriations for the support of the army for the year ending June thirtieth, eighteen hundred and sixty-eight and for other purposes," especially the second section thereof, which provides, among other things, that "all orders and instructions relating to military operations issued by the President or Secretary of War, shall be issued through the General of the army, and, in case of his inability, through the next in rank," was unconstitutional, and in contravention of the commission of said Emory, and which said provision of law had been theretofore duly and legally promulgated by General Orders for the government and direction of the army of the United States, as the said Andrew Johnson then and there well knew, with intent thereby to induce said Emory, in his official capacity as commander of the department of Washington, to violate the provisions of said act, and to take and receive, act upon, and obey such orders as he, the said Andrew Johnson, might make and give, and which should not be issued through the General of the army of the United States, according to the provisions of said act, and with the further intent thereby to enable him, the said Andrew Johnson, to prevent the execution of the act entitled "An act regulating the tenure of certain civil offices," passed March second eighteen hundred and sixty-seven and to unlawfully prevent Edwin M. Stanton then being Secretary for the Department of War, from holding said office and discharging the duties thereof, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

And the House of Representatives by protestation saving to themselves the liberty of exhibiting at any time hereafter any further articles, or other accusation or impeachment against the said Andrew Johnson, President or the United States, and also of replying to his answers which he shall make unto the articles herein preferred against him, and of offering proof to the same, and every part thereof, and to all and every other article, accusation, or impeachment which shall be exhibited by them, as the case shall require, do demand that the said Andrew Johnson may be put to answer the high crimes

and misdemeanors in office herein charged against him, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.

#### **ARTICLE X**

That said Andrew Johnson, President of the United States, unmindful of the high duties of his office, and the dignity and proprieties thereof, and of the harmony and courtesies which ought to exist and be maintained between the executive and legislative branches of the government of the United States, designing and intending to set aside the rightful authority and powers of Congress, did attempt to bring into disgrace, ridicule, hatred, contempt and reproach, the Congress of the United States, and the several branches thereof, to impair and destroy the regard and respect of all the good people of the United States for the Congress and legislative powers thereof, (which all officers of the government ought inviolably to preserve and maintain,) and to excite the odium and resentment of all the good people of the United States against Congress and the laws by it duly and constitutionally enacted; and in pursuance of his said design and intent, openly and publicly, and before divers assemblages of the citizens of the United States, convened in divers parts thereof to meet and receive said Andrew Johnson as the Chief Magistrate of the United States, did, on the eighteenth day of August, in the year of our Lord one thousand eight hundred and sixty-six, and on divers other days and times, as well before as afterward, make and deliver, with a loud voice, certain intemperate, inflammatory, and scandalous harangues, and did therein utter loud threats and bitter menaces, as well against Congress as the laws of the United States duly enacted thereby, amid the cries, jeers, and laughter of the multitudes then assembled and in hearing.

#### **ARTICLE XI**

That said Andrew Johnson, President of the United States, unmindful of the high duties of his office, and of his oath of office, and in disregard of the Constitution and laws of the United States, did, heretofore, to wit, on the eighteenth day of August, A.D. eighteen hundred and sixty-six, at the City of Washington, and the District of Columbia, by public speech, declare and affirm, in substance, that the thirty-ninth Congress of the United States was not a Congress of the United States authorized by the Constitution to exercise legislative power under the same, but, on the contrary, was a Congress of only part of the States, thereby denying, and intending to deny, that the legislation of said Congress was valid or obligatory upon him, the said Andrew Johnson, except in so far as he saw fit to approve the same, and also thereby denying, and intending to deny, the power of the said thirty-ninth Congress to propose amendments to the Constitution of the United States; and, in pursuance of said declaration, the said Andrew Johnson, President of the United States, afterwards, to-wit, on the twenty first day of February, A.D. eighteen hundred and sixty-eight, at the city of Washington, in the District of Columbia, did, unlawfully, and in disregard of the requirements of the Constitution that he should take care that the laws be faithfully executed, attempt to prevent the execution of an act entitled "An act regulating the tenure of certain civil

offices," passed March second, eighteen hundred and sixty-seven, by unlawfully devising and contriving, and attempting to devise and contrive means by which he should prevent Edwin M. Stanton from forthwith resuming the functions of the office of Secretary for the Department of War, notwithstanding the refusal of the Senate to concur in the suspension theretofore made by said Andrew Johnson of said Edwin M. Stanton from said office of Secretary for the Department of War; and, also, by further unlawfully devising and contriving, and attempting to devise and contrive means, then and there, to prevent the execution of an act entitled "An act making appropriations for the support of the army for the fiscal year ending June thirtieth, eighteen hundred and sixty-eight, and for other purposes," approved March second, eighteen hundred and sixty-seven; and also, to prevent the execution of an act entitled "An act to provide for the more efficient government of the rebel States," passed March second, eighteen hundred and sixty-seven, whereby the said Andrew Johnson, President of the United States, did then, to wit, on the twenty-first day of February, A.D. eighteen hundred and sixty-eight, at the city of Washington, commit, and was guilty of, a high misdemeanor in office.

Schuyler Colfax,  
Speaker of the House of Representatives.

Attest:

Edward McPherson,  
Clerk of the House of Representatives.

SOURCE: Edmund G. Ross, *History of the Impeachment of Andrew Johnson*, 1868, as reproduced online by the Yale University Avalon Project at <http://www.yale.edu/lawweb/avalon/avalon.htm>.



## 21. Republican and Democratic Party Platforms, 1868

The nation looked eagerly toward the presidential election of 1868. Although Republicans remained firmly in control of Congress, the choice for president afforded great opportunity, either as the central enforcer of Reconstruction or the man best placed to obstruct it.

As always, there were similarities in the party platforms, especially with regard to economy of government and the international debate over the rights of naturalized citizens, but few could fail to recognize the glaring differences in the two parties' perceptions of Reconstruction and its central antagonist, Andrew Johnson.

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### REPUBLICAN, AT CHICAGO, MAY

The National Republican party of the United States, assembled in National Convention in the city of Chicago, on the 21st day of May, 1868, make the following declaration of principles:

1. We congratulate the country on the assured success of the reconstruction policy of Congress, as evinced by the adoption, in the majority of the States,

lately in rebellion, of constitutions securing equal civil and political rights to all; and it is the duty of the Government to sustain those institutions and to prevent the people of such States from being remitted to a state of anarchy.

2. The guaranty by Congress of equal suffrage to all loyal men at the South was demanded by every consideration of public safety, of gratitude, and of justice, and must be maintained; while the question of suffrage in all loyal States properly belongs to the people of those States.

3. We denounce all forms of repudiation as a national crime; and the national honor requires the payment of the public indebtedness in the uttermost good faith to all creditors at home and abroad, not only according to the letter, but the spirit of the laws under which it was contracted.

4. It is due to the labor of the nation that taxation should be equalized, and reduced as rapidly as the national faith will permit.

5. The national debt, contracted as it has been for the preservation of the Union for all time to come, should be extended over a fair period for redemption; and it is the duty of Congress to reduce the rate of interest thereon, whenever it can be honestly done.

6. That the best policy to diminish our burden of debt is to so improve our credit . . .

7. The Government of the United States should be administered with the strictest economy; and the corruptions which have been so shamefully nursed and fostered by Andrew Johnson call loudly for radical reform.

8. We profoundly deplore the untimely and tragic death of Abraham Lincoln, and regret the accession to the Presidency of Andrew Johnson, who has acted treacherously to the people who elected him and the cause he was pledged to support; who has usurped high legislative and judicial functions; who has refused to execute the laws; who has used his high office to induce other officers to ignore and violate the laws; who has employed his executive powers to render insecure the property, the peace, liberty and life, of the citizen; who has abused the pardoning power; who has denounced the national legislature as unconstitutional: who has persistently and corruptly resisted, by every means in his power, every proper attempt at the reconstruction of the States lately in rebellion; who has perverted the public patronage into an engine of wholesale corruption; and who has been justly impeached for high crimes and misdemeanors, and properly pronounced guilty thereof by the vote of thirty-five Senators.

9. The doctrine of Great Britain and other European powers, that because a man is once a subject he is always so, must be resisted at every hazard by the United States, as a relic of feudal times, not authorized by the laws of nations, and at war with our national honor and independence. Naturalized citizens are entitled to protection in all their rights of citizenship, as though they were native-born; and no citizen of the United States, native or naturalized, must be liable to arrest and imprisonment by any foreign power for acts done or words spoken in this country; and, if so arrested and imprisoned, it is the duty of the Government to interfere in his behalf.

10. Of all who were faithful in the trials of the late war, they were none entitled to more especial honor than the brave soldiers and seamen who endured the hardships of campaign and cruise . . .

11. Foreign immigration, which in the past has added so much to the wealth, development, and resources, and increases of power to this republic, the asylum of the oppressed of all nations, should be fostered and encouraged by a liberal and just policy.

12. This convention declares itself in sympathy with all oppressed peoples struggling for their rights.

13. That we highly commend the spirit of magnanimity and forbearance with which men who have served in the rebellion, but who now frankly and honestly cooperate with us in restoring the peace of the country and reconstructing the southern State governments upon the basis of impartial justice and equal rights, are received back into the communion of the loyal people; and we favor the removal of the disqualifications and restrictions imposed upon the late rebels in the same measure as the spirit of disloyalty will die out, and as may be consistent with the safety of the loyal people.

14. That we recognize the great principles laid down in the immortal Declaration of Independence, as the true foundation of democratic government; and we hail with gladness every effort toward making these principles a living reality on every inch of American soil.

#### **SOLDIERS AND SAILORS' NATIONAL CONVENTION, AT CHICAGO, MAY**

1. *Resolved*, That the soldiers and sailors, steadfast now as ever to the Union and the flag, and fully recognizing the claims of General Ulysses S. Grant to the confidence of the American people, and believing that its victories under his guidance in war will be illustrated by him in peace by such measures as shall secure the fruits of our exertions and the restoration of the Union upon a loyal basis, we declare it as our deliberate conviction that he is the choice of the soldiers and sailors of the Union for the office of President of the United States.

2. That in the maintenance of those principles which underlie our Government, and for which we fought during four years, we pledge our earnest and active support to the Republican party as the only political organization which, in our judgment, is true to the principles of loyalty and equality before the law.

3. That speaking for ourselves and the soldiers and sailors who imperiled their lives to preserve the Union, we believe that the impeachment of Andrew Johnson by the House of Representatives, for high crimes and misdemeanors in office, and his trial before the United States Senate, have presented unmistakable proofs of his guilt, and that whatever may be the judgment of the tribunal before which he is arraigned, the verdict of guilty has been rendered by the people, and we regard any Senator who has voted for acquittal as falling short of the proper discharge of his duty in this hour of the nation's trial, and as unworthy of the confidence of a brave and loyal people.

4. That the soldiers and sailors recognize no difference between native and adopted citizens, and that the [*sic*] demand that the Government shall protect naturalized citizens abroad as well as those of native birth.



**DEMOCRATIC, AT NEW YORK, JULY**

The Democratic Party, in National Convention assembled, reposing its trust in the intelligence, patriotism, and discriminating justice of the people, standing upon the Constitution as the foundation and limitation of the powers of the Government, and the guarantee of the liberties of the citizen, and recognizing the questions of slavery and secession as having been settled, for all time to come, by the war or the involuntary action of the Southern States in constitutional conventions assembled, and never to be renewed or reagitated, do with the return of peace, demand:

*First*—Immediate restoration of all the States to their rights in the Union under the Constitution, and of civil government to the American people.

*Second*—Amnesty for all past political offences, and the regulation of the elective franchise in the States by their citizens.

*Third*—Payment of the public debt of the United States as rapidly as practicable; all moneys drawn from the people by taxation, except so much as is requisite for the necessities of the Government, economically administered, being honestly applied to such payment, and where obligations of the Government do not expressly state upon their face, or the law under which they were issued does not provide that they shall be paid in coin, they ought, in right and in justice, to be paid in the lawful money of the United States.

*Fourth*—Equal taxation of every species of property according to its real value, including Government bonds and other public securities.

*Fifth*—One currency for the Government and the people, the laborer and the office-holder, the pensioner and the soldier, the producer and the bondholder.

*Sixth*—Economy in the administration of the Government; the reduction of the standing army and navy; the abolition of the Freedmen's Bureau and all political instrumentalities designed to secure negro supremacy; simplification of the system, and discontinuance of inquisitorial modes of assessing and collecting Internal Revenue, so that the burden of taxation may be equalized and lessened; the credit of the Government and the currency made good; the repeal of all enactments for enrolling the State militia into the national forces of peace; and a tariff for revenue upon foreign imports, and such equal taxation under the Internal Revenue laws as will afford incidental protection to domestic manufactures, and as will, without impairing the revenue, impose the least burden upon and best promote and encourage the great industrial interests of the country.

*Seventh*—Reform of abuses in the administration, the expulsion of corrupt men from office, the abrogation of useless offices, the restoration of rightful authority to, and the independence of, the executive and judicial departments of the Government, the subordination of the military to the civil power, to the end that the usurpations of Congress and the despotism of the sword may cease.

*Eighth*—Equal rights and protection for naturalized and native-born citizens at home and abroad, the assertion of American nationality which shall command the respect of foreign powers, and furnish an example and encouragement to people struggling for national integrity, constitutional liberty, and individual

rights and the maintenance of the rights of naturalized citizens against the absolute doctrine of immutable allegiance, and the claims of foreign powers to punish them for alleged crime committed beyond their jurisdictions.

In demanding these measures and reforms, we arraign the Radical party for its disregard of right, and the unparalleled oppression and tyranny which have marked its career.

After the most solemn and unanimous pledge of both Houses of Congress to prosecute the war exclusively for the maintenance of the Government and the preservation of the Union under the Constitution, it has repeatedly violated that most sacred pledge under which alone was rallied that noble volunteer army which carried our flag to victory. Instead of restoring the Union it has, so far, as in its power, dissolved it, and subjected ten States, in time of profound peace, to military despotism and negro supremacy. It has nullified there the right of trial by jury; it has abolished the *habeas corpus*, that most sacred writ of liberty; it has overthrown the freedom of speech and the press; it has substituted arbitrary seizures and arrests, and military trials and secret star-chamber inquisitions for the constitutional tribunals; it has disregarded in time of peace the right of the people to be free from searches and seizures; it has entered the post and telegraph offices, and even the private rooms of individuals, and seized their private papers and letters without any specific charge of notice of affidavit, as required by the organic law; it has converted the American Capitol into a bastille; it has established a system of spies and official espionage to which no constitutional monarchy of Europe would now dare to resort; it has abolished the right of appeal on important constitutional questions to the supreme judicial tribunals, and threatens to curtail or destroy its original jurisdiction, which is irrevocably vested by the Constitution, while the learned Chief Justice has been subjected to the most atrocious calumnies, merely because he would not prostitute his high office to the support of false and partisan charges preferred against the President. Its corruption and extravagance have exceeded anything known in history, and, by its frauds and monopolies, it has nearly doubled the burden of the debt created by the war. It has stripped the President of his constitutional power of appointment, even of his own cabinet. Under its repeated assaults the pillars of the Government are racking on their base, and should it succeed in November next and inaugurate its President, we will meet as a subjected and conquered people, amid the ruins of liberty and the scattered fragments of the Constitution.

And we do declare and resolve that ever since the people of the United States threw off all subjection to the British Crown the privilege and trust of suffrage have belonged to the several States, and have been granted, regulated, and controlled exclusively by the political power of each State respectively, and that any attempt by Congress, on any pretext whatever, to deprive any State of this right, or interfere with its exercise, is a flagrant usurpation of power which can find no warrant in the Constitution, and, if sanctioned by the people, will subvert our form of government, and can only end in a single centralized and consolidated government, in which the separate existence of the States will be entirely absorbed, and an unqualified despotism be established in place of a Federal union of co-equal states.

And that we regard the reconstruction acts (so called) of Congress, as such, as usurpations and unconstitutional, revolutionary, and void. That our soldiers and sailors, who carried the flag of our country to victory against a most gallant and determined foe, must ever be gratefully remembered, and all the guarantees given in their favor must be faithfully carried into execution.

That the public lands should be distributed as widely as possible among the people, and should be disposed of either under the pre-emption of homestead lands, or sold in reasonable quantities, and to none but actual occupants, at the minimum price established by the Government. When grants of the public lands may be allowed, necessary for the encouragement of important public improvements, the proceeds of the sale of such lands, and not the lands themselves, should be so applied.

That the President of the United States, Andrew Johnson, in exercising the power of his high office in resisting the aggressions of Congress upon the constitutional rights of the States and the people, is entitled to the gratitude of the whole American people, and in behalf of the Democratic party we tender him our thanks for his patriotic efforts in that regard.

Upon this platform the Democratic party appeal to every patriot, including all the Conservative element and all who desire to support the Constitution and restore the Union, forgetting all past differences of opinion, to unite with us in the present great struggle for the liberties of the people; and that to all such, to whatever party they may have heretofore belonged, we extend the right hand of fellowship, and hail all such cooperating with us as friends and brethren.

*Resolved*, That this convention sympathize cordially with the workingmen of the United States in their efforts to protect the rights and interests of the laboring classes of the country.

[Offered by Mr. Vallandigham, and adopted the last day of the convention.]

*Resolved*, That the thanks of the convention are tendered to Chief Justice Salmon P. Chase, for the justice, dignity, and impartiality with which he presided over the court of impeachment on the trial of President Andrew Johnson.

[This last was offered by Mr. Kernan, of New York, after the nominations and immediately before the final adjournment, and was carried by acclamation.]

SOURCE: Edward McPherson, *The Political History of the United States of America during the Period of Reconstruction*. 2nd ed. 1875; reprint, New York: Negro Universities Press, 1969.



## 22. General F. P. Blair's Letter on Reconstruction (July 13, 1868)

Francis ("Frank") Preston Blair, Jr., received the Democratic nomination for vice president in July 1868. Following in the footsteps of the current president, Andrew Johnson, Blair antagonized many with his immoderate and even

violent remarks about Congressional Reconstruction. One of his most famous diatribes became public in the letter printed below, and it forced many even within his own party to question his aptitude for high public office.

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Omaha, Nebraska, July 13, 1868.

General George W. Morgan, *Chairman Committee National Democratic Convention*.

General: I take the earliest opportunity of replying to your letter, notifying me of my nomination for Vice President of the United States by the National Democratic Convention, recently held in the city of New York.

I accept without hesitation the nomination tendered in a manner so gratifying, and give you and the committee my thanks for the very kind and complimentary language in which you have conveyed to me the decision of the convention.

I have carefully read the resolutions adopted by the convention, and most cordially concur in every principle and sentiment they announce.

My opinion upon all of the questions which discriminate the great contending parties have been freely expressed on all suitable occasions, and I do not deem it necessary at this time to reiterate them.

The issues upon which the contest turns are clear, and cannot be obscured or distorted by the sophistries of our adversaries. They all resolve themselves into the old and ever-renewing struggle of a few men to absorb the political power of the nation. This effort, under every conceivable name and disguise, has always characterized the opponents of the Democratic party, but at no time has the attempt assumed a shape so open and daring as in this contest. The adversaries of free and constitutional government, in defiance of the express language of the Constitution, have erected a military despotism in ten of the States of the Union, have taken from the President the powers vested in him by the supreme law, and have deprived the Supreme Court of its jurisdiction. The right of trial by jury, and the great writ of right, the *habeas corpus*—shields of safety for every citizen, and which have descended to us from the earliest traditions of our ancestors, and which our revolutionary fathers sought to secure to their posterity forever in the fundamental charter of our liberties—have been ruthlessly trampled under foot by the fragment of a Congress. Whole States and communities of people of our own race have been attainted, convicted, condemned, and deprived of their rights as citizens, without presentment, or trial, or witnesses, but by congressional enactment of *ex post facto* laws, and in defiance of the constitutional prohibition denying even to a full and legal Congress the authority to pass any bill of attainder or *ex post facto* law. The same usurping authority has substituted as electors in place of the men of our own race, thus illegally attainted and disfranchised, a host of ignorant negroes, who are supported in idleness with the public money, and combined together to strip the white race of their birthright, through the management of freedmen's bureaus and the emissaries of conspirators in other States; and, to complete the oppression, the military power of the nation has been placed at their disposal, in order to make this barbarism supreme.

The military leader under whose prestige this usurping Congress has taken refuge since the condemnation of their schemes by the free people of the North in the elections of the last year, and whom they have selected as their candidate to shield themselves from the result of their own wickedness and crime, has announced his acceptance of the nomination, and his willingness to maintain their usurpations over eight millions of white people at the South, fixed to the earth with his bayonets. He exclaims: "Let us have peace." "Peace reigns in Warsaw" was the announcement which heralded the doom of the liberties of a nation. "The empire is peace," exclaimed Bonaparte, when freedom and its defenders expired under the sharp edge of his sword. The peace to which Grant invites us is the peace of despotism and death.

Those who seek to restore the Constitution by executing the will of the people condemning the reconstruction acts, already pronounced in the elections of last year, and which will, I am convinced, be still more emphatically expressed by the election of the Democratic candidate as the President of the United States, are denounced as revolutionists by the partisans of this vindictive Congress. Negro suffrage, which the popular vote of New York, New Jersey, Pennsylvania, Ohio, Michigan, Connecticut, and other States have condemned as expressly against the letter of the Constitution, must stand, because their Senators and Representatives have willed it. If the people shall again condemn these atrocious measures by the election of the Democratic candidate for President, they must not be disturbed, although decided to be unconstitutional by the Supreme Court, and although the President is sworn to maintain and support the Constitution. The will of a fraction of a Congress, reinforced with its partisan emissaries sent to the South and supported there by the soldiery, must stand against the will of the people and the decision of the Supreme Court, and the solemn oath of the President to maintain and support the Constitution.

It is revolutionary to execute the will of the people! It is revolutionary to execute the judgment of the Supreme Court! It is revolutionary in the President to keep inviolate his oath to sustain the Constitution! This false construction of the vital principle of our Government is the last resort of those who would have their arbitrary reconstruction sway and supersede our time-honored institutions. The nation will say the Constitution must be restored, and the will of the people again prevail. The appeal to the peaceful ballot to attain this end is not war, is not revolution. They make war and revolution who attempt to arrest this quiet mode of putting aside military despotism and the usurpations of a fragment of a Congress, asserting absolute power over that benign system of regulated liberty left us by our fathers. This must be allowed to take its course. This is the only road to peace. It will come with the election of the Democratic candidate, and not with the election of that mailed warrior, whose bayonets are now at the throats of eight millions of people in the South, to compel them to support him as a candidate for the Presidency, and to submit to the domination of an alien race of semi-barbarous men. No perversion of the truth or audacity of misrepresentation can exceed that which hails this candidate in arms as an angel of peace.

I am very respectfully, your most obedient servant,

Frank P. Blair.

SOURCE: Edward McPherson, *The Political History of the United States of America during the Period of Reconstruction*. 2nd ed. 1875; reprint, New York: Negro Universities Press, 1969.



### **23. Additional Reconstruction Act for Virginia, Mississippi, and Texas (April 10, 1869)**

The Military Reconstruction Act called for the former Confederate states to draw up new constitutions, but, with the exception of requiring black suffrage, provided few details. In these three states, significant difficulties occurred in the process. In Texas, internal Republican disagreements caused disorder, while in Virginia and Mississippi, debates over the degree to which former Confederates should be disfranchised complicated matters.

Acting on the advice of the military commanders of the districts, Congress and President Ulysses Grant decided to require state referendums on the new constitutions, an unprecedented event.

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#### **ADDITIONAL RECONSTRUCTION LEGISLATION**

An Act authorizing the submission of the constitutions of Virginia, Mississippi, and Texas to a vote of the people, and authorizing the election of State officers, provided by the said constitutions, and members of Congress.

*Be it enacted, &c.*, That the President of the United States, at such time as he may deem best for the public interest, may submit the constitution which was framed by the convention which met in Richmond, Virginia, on Tuesday, the 3d day of December, 1867, to the voters of said State, registered at the date of said submission, for ratification or rejection, and may also submit to a separate vote such provisions of said constitution as he may deem best, such vote to be taken either upon each of the said provisions alone, or in connection with the other portions of said constitution, as the President may direct.

Sec. 2. That at the same election the voters of said State may vote for and elect members of the General Assembly of said State, and all the officers of said State provided for by the constitution, and members of Congress; and the officer commanding the District of Virginia shall cause the lists of registered voters of said State to be revised, enlarged, and corrected prior to such election, according to law, and for that purpose may appoint such registrars as he may deem necessary. And said elections shall be held, and returns thereof made, in the manner provided by the acts of Congress commonly called the reconstruction acts.

Sec. 3. That the President of the United States may in like manner submit the constitution of Texas to the voters of said State, and such time and in such manner as he may direct, either the entire constitution, or separate provisions of the same, as provided in the 1st section of this act, to a separate vote; and at the same election the voters may vote for and elect the members of the Legislature and all the State officers provided for in said constitution, and

members of Congress: *Provided, also*, That no election shall be held in said State of Texas for any purpose until the President so directs.

Sec. 4. That the President of the United States may in like manner re-submit the constitution of Mississippi to the voters of said State at such time and in such manner as he may direct, either the entire constitution or separate provisions of the same, as provided in the 1st section of this act, to a separate vote; and at the same election the voters may vote for and elect the members of the legislature and all the State officers provided for in said constitution, and members of Congress.

Sec. 5. That if either of said constitutions shall be ratified at such election, the Legislature of the State so ratifying, elected as provided for in this act, shall assemble at the capital of said state on the fourth Tuesday after the official promulgation of such ratification by the military officer commanding in such State.

Sec. 6. That before the States of Virginia, Mississippi, and Texas shall be admitted to representation in Congress, their several legislatures, which may be hereafter lawfully organized, shall ratify the fifteenth article which has been proposed by Congress to the several States as an amendment to the Constitution of the United States.

Sec. 7. That the proceedings in any of the said States shall not be deemed final, or operate as a complete restoration thereof, until their action, respectively, shall be approved by Congress.

Approved April 10, 1869.

The final votes on this act were as follow:

In Senate, *April 9*.

Yeas—Messrs. Abbott, Boreman, Brownlow, Buckingham, Carpenter, Cattell, Chandler, Cole, Conkling, Corbett, Cragin, Drake, Fenton, Ferry, Fessenden, Hamlin, Harris, Howard, Howe, McDonald, Morrill, Morton, Nye, Patterson, Pomeroy, Pratt, Ramsey, Rice, Robertson, Ross, Sawyer, Schurz, Scott, Sherman, Spencer, Stewart, Sumner, Thayer, Tipton, Trumbull, Warner, Willey, Williams, Wilson—44.

Nays—Messrs. *Bayard, Casserly, Davis, Fowler, McCreery, Norton, Sprague, Stockton, Thurman*—9.

In House, *April 9*.

Yeas—Messrs. Ambler, Ames, Armstrong, Asper, Banks, Beaman, Benton, Bingham, Blair, Boles, Bowen, Boyd, Buffinton, B.F. Butler, Cake, Cessna, Churchill, Amasa Cobb, Clinton L. Cobb, Coburn, Cook, Conger, Cullon, Dawes, Deweese, Dockery, Duval, Ela, Fransworth, Ferriss, Ferry, Finkelnburg, Fitch, Gilfillan, Hale, Hawley, Hay, Heaton, Hoar, Hooper, Hopkins, Hotchkiss, Ingersoll, Alexander H. Jones, Juss, Julian, Kelley, Kellogg, Ketcham, Knapp, Laflin, Lash, Logan, Loughridge, Lynch, Maynard, McCarthy, McCrary, McGrew, Mercur, William Moore, Morrell, Myers, Negley, O'Neill, Orth, Packard, Oaine, Palmer, Phelps, Poland, Pomeroy, Prosser, Roosts, Sargent, Sawyer, Scofield, Shanks, Lionel A. Sheldon, Poerter Sheldon, John A. Smith, William J. Smith, William Smyth, Starkweather, Stevens, Stevenson, Stokes, Stoughton, Strickland, Strong, Tanner, Tillman, Townsend, Twichell, Tyner, Upson, Van Horn, Ward, Cadwalder C. Washburn, Welker, Wheeler, Whittemore, Wilkinson, Willard, Williams, John T. Wilson, Winans, Witcher—108.

Nays—Messers. *Adams, Archer, Axtell, Biggs, Bird, Brooks, Burr, Cleveland, Crebs, Eldridge, Getz, Golladay, Griswold, Haldeman, Hamill, Hawkins, Holman, Thomas L. Jones, Kerr, Knott, Marshall, Maybam, McCormick, McNeely, Niblack, Potter, Reeves, Slocum, Stone, Swann, Sweeney, Trimble, Van Auken, Van Trump, Voorbees, Wells, Eugene M. Wilson, Winchester, Woodward*—39.

SOURCE: Edward McPherson, *The Political History of the United States of America during the Period of Reconstruction*. 2nd ed. 1875; reprint, New York: Negro Universities Press, 1969.



## 24. Sample Constitution under Congressional Reconstruction, Texas (1869)

As mentioned above, Texas had its “Congressional Reconstruction” constitution submitted for a statewide referendum. With only minor edits, that new constitution is published below. Note its “radical” and progressive aspects, including equality before the law, universal male suffrage, free public education, government homesteads, and the nullification of all acts while Texas was in the Confederacy, but the constitution is moderate as well. For instance, this version eliminated the controversial proposal to disfranchise former Confederates. With a small black population, Republicans recognized that the state party needed white allies to survive.

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The constitution of the State of Texas, adopted by the convention, and to be submitted to a vote of the people at a time to be indicated by the President, contains in the preamble an acknowledgment, with gratitude, of the grace of God in permitting them to make a choice of our form of government.

In the bill of rights are these declarations:

That the heresies of nullification and secession, which brought the country to grief, may be eliminated from political discussion, that public order may be restored, private property and human life protected, and the great principles of liberty and equality secured to us and our posterity, we declare that—

The Constitution of the United States, and the laws and treaties made and to be made in pursuance thereof, are acknowledged to be the supreme law; that this constitution is framed in harmony with and in subordination thereto; and that the fundamental principles embodied herein can only be changed subject to the national authority.

All freemen, when they form a social compact, have equal rights, and no man or set of men is entitled to exclusive separate public emoluments or privileges.

No law shall be passed depriving a party of any remedy of the enforcement of a contract which existed when the contract was made.

No person shall ever be imprisoned for debt.

No citizen of this State shall be deprived of life, liberty, property, or privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.



Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed; nor shall the law of primogeniture or entailment ever be in force in this State.

The equality of all persons before the law is herein recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege, or immunity, nor be exempted from any burdens or duty, on account of race, color, or previous condition.

Importation of persons under the name of "coolies," or any other designation, or the adoption of any system of peonage, whereby the helpless and unfortunate may be reduced to partial bondage, shall never be authorized or tolerated by the laws of the State; and neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall ever exist in the State.

Every male person who shall have attained the age of twenty-one years, and who shall be (or who shall have declared his intention to become) a citizen of the United States, or who is at the time of the acceptance of this constitution by the Congress of the United States a citizen of Texas, and shall have resided in the State one year next preceding an election, and the last six months within the district or county in which he offers to vote and is duly registered, (Indians not taxed excepted,) shall be deemed a qualified elector; and should such qualified elector happen to be in any other county, situated in the district in which he resides, at the time of an election, he shall be permitted to vote for any district officer; provided that the qualified elector shall be permitted to vote anywhere in the State for State officers; and provided further, that no soldier, seaman, or marine in the army or navy of the United States shall be entitled to vote at any election created by this constitution.

Senators shall be chosen for six years, and representatives for two. The governor for four.

The legislature shall not authorize any lottery, and shall prohibit the sale of lottery tickets.

It shall be the duty of the legislature to immediately expel from the body any member who shall receive or offer a bribe, or suffer his vote influenced by promise of preferment or reward; and every person so offending and so expelled shall thereafter be disabled from holding any office of honor, trust, or profit in this State.

The legislature shall proceed, as early as practicable, to elect senators to represent this State in the Senate of the United States; and also provide for future elections of representatives to the Congress of the United States; and on the second Tuesday after the first assembling of the legislature after the ratification of this constitution the legislature shall proceed to ratify the XIIIth and XIVth articles of amendment to the Constitution of the United States of America.

The governor may at all times require information in writing from all the officers of the executive department on any subject relating to the duties of their offices, and he shall have a general supervision and control over them. He shall have the power of removal of each of said officers, except the lieutenant governor, for misfeasance, malfeasance, or nonfeasance; but the reasons and

causes of such removal shall be communicated in writing by him to the senate at the first meeting of the legislature which occurs after such removal, for its approval or disapproval; if disapproved by the senate, it may restore the displaced incumbent by a vote of that body.

The governor has the veto power, subject to an overriding vote of two-thirds of each House.

The supreme judges to be appointed by the governor, with the approval of the senate, to serve for nine years.

Every male citizen of the United States, of the age of twenty-one years and upwards, not laboring under the disabilities named in this constitution, without distinction of race, color, or former condition, who shall be a resident of this State at the time of the adoption of this constitution, or who shall hereafter reside in this State one year, and in the county in which he offers to vote sixty days next preceding any election, shall be entitled to vote for all officers that are now or hereafter may be elected by the people, and upon all questions submitted to the electors at any election; provided, that no person shall be allowed to vote or hold office who is now or hereafter may be disqualified thereby by the Constitution of the United States, until such disqualification shall be removed by the Congress of the United States; provided, further, that no person while kept in any asylum, or confined in prison, or who has been convicted of felony, or who is of unsound mind, shall be allowed to vote or hold office.

It shall be the duty of the legislature of the State to make suitable provisions for the support and maintenance of a system of public free schools, for the gratuitous instruction of all the inhabitants of this State between the ages of six and eighteen years.

The legislature shall establish a uniform system of public free schools throughout the State.

The legislature at its first session (or as soon thereafter as may be possible) shall pass such laws as will require the attendance on the public free schools of the State of all the scholastic population thereof for the period of at least four months of each and every year; provided, that whenever any of the scholastic inhabitants may be shown to have received regular instruction for said period of time in each and every year from any private teacher having a proper certificate of competency, this shall exempt them for the operation of the laws contemplated by this section.

As a basis for the establishment and endowment of said public free schools, all the funds, lands, and other property heretofore set apart and appropriated for the support and maintenance of public schools shall constitute the public school fund; and all sums of money that may come to this State hereafter from the sale of any portion of the public domain of the State of Texas shall also constitute a part of the public school fund. And the legislature shall appropriate all the proceeds resulting from sales of public lands of this State to such public school fund. And the legislature shall set apart, for the benefit of public schools, one-fourth of the annual revenue derivable from general taxation, and shall also cause to be levied and collected an annual poll-tax of one dollar on all male persons in this State between the ages of twenty-one and sixty years

for the benefit of public schools. And said fund and the income derived therefrom, and the taxes herein provided for school purposes, shall be a perpetual fund, to be applied, as needed, exclusively for the education of all the scholastic inhabitants of this State, and no law shall ever be made appropriating such fund for any other use or purpose whatever.

The legislature shall, if necessary, in addition to the income derived from the public school fund and from the taxes for school purposes provided for in the foregoing section, provide for the raising of such amount, by taxation, in the several school districts in the State, as will be necessary to provide the necessary school-houses in each district and insure the education of all the scholastic inhabitants of the several districts.

The public lands heretofore given to counties shall be under the control of the legislature, and may be sold under such regulations as the legislature may prescribe, and in such case the proceeds of the same shall be added to the public school fund.

The legislature shall, at its first session, (and from time to time thereafter, as may be found necessary,) provide all needful rules and regulations for the purpose of carrying into effect the provisions of this article. It is made the imperative duty of the legislature to see to it that all the children in the State, within the scholastic age, are without delay provided with ample means of education. The legislature shall annually appropriate for school purposes, and to be equally distributed among all the scholastic population of the State, the interest accruing on the school fund and the income derived from taxation for school purposes, and shall, from time to time, as may be necessary, invest the principal of the school fund in the bonds of the United States Government, and in no other security.

To every head of a family, who has not a homestead, there shall be donated one hundred sixty acres of land out of the public domain, upon the condition that he will select, locate, and occupy the same for three years, and pay the office fees on the same. To all single men twenty-one years of age there shall be donated eighty acres of land out of the public domain, upon the same terms and conditions as are imposed upon the head of a family.

Members of the legislature, and all officers, before they enter upon the duties of their offices, shall take the following oath . . .

Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting under adequate penalties all undue influence thereon from power, bribery, tumult, or other improper practice.

The legislature shall provide by law for the compensation of all officers, servants, agents, and public contractors . . .

General laws, regulating the adoption of children, emancipation of minors, and the granting of divorces, shall be made; but no special law shall be enacted relating to particular or individual cases.

The rights of married women to their separate property, real and personal, and the increase of the same, shall be protected by law; and married women,

infants, and insane persons shall not be barred of their rights of property by adverse possession or law of limitation of less than seven years from and after the removal of each and all of their respective legal disabilities.

The legislature shall have power, and it shall be their duty, to protect by law from forced sale a certain portion of the property of all heads of families . . .

All persons who at any time heretofore lived together as husband and wife, and both of whom, by the law of bondage, were precluded from the rites of matrimony, and continued to live together until the death of one of the parties, shall be considered as having been legally married, and the issue of such cohabitation shall be deemed legitimate, and all such persons as may be now living together in such relation shall be considered as having been legally married, and the children heretofore or hereafter born of such cohabitations shall be deemed legitimate.

No minister of the Gospel, or priest of any denomination whatever, who accepts a seat in the legislature as representative, shall, after such acceptance, be allowed to claim exemption from military service, road duty, or serving on juries, by reason of his said profession.

The ordinance of the convention passed on the first day of February, A.D. 1861, commonly known as the ordinance of secession, was in contravention of the Constitution and laws of the United States, and therefore null and void from the beginning; and all laws and parts of laws founded upon said ordinance were also null and void from the date of their passage. The legislatures which sat in the State of Texas from the 18th day of March, A.D. 1861, until the 6th day of August, A.D. 1866, had no constitutional authority to make laws binding upon the people of the State of Texas: *Provided*, That this section shall not be construed to inhibit the authorities of this State from respecting and enforcing such rules and regulations as were prescribed by the said legislatures which were not in violation of the Constitution and laws of the United States, or in aid of the rebellion against the United States, or prejudicial to citizens of this State who were loyal to the United States, and which have been actually in force or observed in Texas during the above period of time, nor to affect prejudicially private rights which may have grown up under such rules and regulations, not to invalidate official acts not in aid of the rebellion against the United States during said period of time. The legislature which assembled in the city of Austin on the 6th day of August, A.D. 1866, was provisional only, and its acts are to be respected only so far as they were not in violation of the Constitution and laws of the United States, or were not intended to reward those who participated in the rebellion or discriminate between citizens on account of race or color, or to operate prejudicially to any class of citizens.

All debts created by the so-called State of Texas from and after the 28th day of January, A.D. 1861, and prior to the 5th day of August, 1865, were and are null and void . . .

All the qualified voters of each county shall also be qualified jurors of such county.

Four congressional districts are established, to continue until otherwise provided by law.

The election on the adoption of the constitution to be held on the first Monday in July, 1869, at the places and under the regulations to be prescribed by the commanding general of the military district.

SOURCE: Edward McPherson, *The Political History of the United States of America during the Period of Reconstruction*. 2nd ed. 1875; reprint, New York: Negro Universities Press, 1969.



## 25. Fifteenth Amendment to the U.S. Constitution (Ratified March 30, 1870)

Taken by many as the “capstone” of Republican Reconstruction, the Fifteenth Amendment was really the usual blend of radical possibilities tempered by moderate practicalities. True, it was the first federal imposition of suffrage regulation at the national level; the Military Reconstruction Acts only applied to ten states, and the Fourteenth Amendment offered a reward vs. penalty motivation for states to expand suffrage. However, the Fifteenth Amendment was phrased in a “negative” fashion—it stated on what basis states *could not* restrict suffrage, rather than specifically guaranteeing who *could* vote. This was done deliberately to avoid alienating whites opposed to universal suffrage. As a result, states North and South found many ingenious methods to exclude women, blacks, immigrants, and others from the ballot.

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### Article XV

*Section 1:* The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

*Section 2:* The Congress shall have power to enforce this article by appropriate legislation.



## 26. Enforcement Act of April 1871 (Ku Klux Klan Act)

Unlike many of the general, sweeping measures passed by Congress during Reconstruction, the Klan Act was designed for a narrow, specific purpose: to allow the federal government to break up paramilitary white terrorist organizations preying on Republicans in the South. Violence against black and white Republicans was rampant and well organized, well beyond the ability of the state governments to confront.

Basing its authority in earlier measures, the Klan Act placed voting harassment under federal jurisdiction, and provided both enforcement and punishment mechanisms for perpetrators, but these definitions were open to interpretation, and the latitude given the president and federal forces made the law an easy target for conservative opponents. All these facets came into play in 1871, when President Ulysses Grant invoked military provisions to combat

Klan activity in South Carolina (in other states, officials relied on the 1870 Enforcement Act).

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**CHAP. XXII.—AN ACT TO ENFORCE THE PROVISIONS  
OF THE FOURTEENTH AMENDMENT TO THE CONSTITUTION  
OF THE UNITED STATES, AND FOR OTHER PURPOSES.**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person who, under color of any law, statute, ordinance, regulation, custom, or usage of any State, shall subject, or cause to be subjected, any person within the jurisdiction of the United States to the deprivation of any rights, privileges, or immunities secured by the Constitution of the United States, shall, any such law, statute, ordinance, regulation, custom, or usage of the State to the contrary notwithstanding, be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress; such proceeding to be prosecuted in the several district or circuit courts of the United States, with and subject to the same rights of appeal, review upon error, and other remedies provided in like cases in such courts, under the provisions of the act of the ninth of April, eighteen hundred and sixty-six, entitled "An act to protect all persons in the United States in their civil rights, and to furnish the means of their vindication"; and other remedial laws of the United States which are in their nature applicable in such cases.

Sec. 2. That if two or more persons within any State or Territory of the United States shall conspire together to overthrow, or to put down, or to destroy by force the government of the United States, or to levy war against the United States, or to oppose by force the authority of the government of the United States, or by force, intimidation, or threat to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, or by force, intimidation, or threat to prevent any person from accepting or holding any office or trust or place of confidence under the United States, or from discharging the duties thereof, or by force, intimidation, or threat to induce any officer of the United States to leave any State, district, or place where his duties as such officer might lawfully be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or to injure his person while engaged in the lawful discharge of the duties of his office, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duty, or by force, intimidation, or threat to deter any party or witness in any court of the United States from attending such court, or from testifying in any matter pending in such court fully, freely, and truthfully, or to injure any such party or witness in his person or property on account of his having so attended or testified, or by force, intimidation, or threat to influence the verdict, presentment, or indictment, of any juror or grand juror in any court of the United States, or to injure such juror in his person or property on account of any verdict, presentment or indictment lawfully assented to by him, or on account of his being or having been such juror, or shall conspire together, or go in disguise upon the public highway or upon the premises of

another for the purpose, either directly or indirectly, of depriving any person or any class of persons of the equal protection of the laws, or of equal privileges or immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any States from giving or securing to all persons within such States the equal protection of the laws, or shall conspire together for the purpose of in any manner impeding, hindering, obstructing, or defeating the due course of justice in any State or Territory, with intent to deny any citizen of the United States the due and equal protection of the laws, or to injure any person in his person or his property for lawfully enforcing the right of any person or class of persons to the equal protection of the laws, or by force, intimidation, or threat to prevent any citizen of the United States lawfully entitled to vote from giving his support or advocacy in a lawful manner towards or in favor of the election of any lawfully qualified person as an elector of President or Vice-President of the United States, or as a member of the Congress of the United States, or to injure any such citizen in his person or property on account of such support or advocacy, each and every person so offending shall be deemed guilty of a high crime, and, upon conviction thereof in any district court or circuit court of the United States or district or supreme court of any Territory of the United States having jurisdiction of similar offences, shall be punished by a fine not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, as the court may determine, for a period of not less than six months nor more than six years, as the court may determine, or by both such fine and imprisonment as the court shall determine. And if any one or more persons engaged in any such conspiracy shall do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby any person shall be injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the person so injured or deprived of such rights and privileges may have and maintain an action for recovery of damages occasioned by such injury or deprivation of rights and privileges against any one or more of the persons engaged in such conspiracy, such action to be prosecuted in the proper district or circuit court of the United States, with and subject to the same rights or appeal, review under error, and other remedies provided in like cases in such courts under the provisions of the act of April ninth, eighteen hundred and sixty-six, entitled "An act to protect all persons in the United States in their civil rights, and to furnish the means of their vindication."

Sec. 3. That in all cases where insurrection, domestic violence, unlawful combinations, or conspiracies in any State shall so obstruct or hinder the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection, named in the Constitution and secured by this act, and the constituted authorities of such State shall either be unable to protect, or shall, from any cause, fail in or refuse protection of the people in such rights, such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States; and in all such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy shall oppose or obstruct the laws of the United States of the due execution thereof, or impede or obstruct the due course of

justice under the same, it shall be lawful for the President, and it shall be his duty to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary for the suppression of such insurrection, domestic violence, or combinations; and any person who shall be arrested under the provisions of this and the preceding section shall be delivered to the marshal of the proper district, to be dealt with according to law.

Sec. 4. That whenever in any State or part of a State the unlawful combinations named in the preceding section of this act shall be organized and armed, and so numerous and powerful as to be able, by violence, to either overthrow or set at defiance the constituted authorities of such State, and of the United States within such State, or when the constituted authorities are in complicity with, or shall connive at the unlawful purposes of, such powerful and armed combinations; and whenever, by reason of either or all of the causes aforesaid, the conviction of such offenders and the preservation of the public safety shall become in such district impracticable, in every such case such combinations shall be deemed a rebellion against the government of the United States, and during the continuance of such rebellion, and within the limits of the district which shall be so under the sway thereof, such limits to be prescribed by proclamation, it shall be lawful for the President of the United States, when in his judgment the public safety shall require it, to suspend the privileges of the writ of habeas corpus, to the end that such rebellion may be overthrown: *Provided*, That all the provisions of the second section of an act entitled "An act relating to habeas corpus, and regulating judicial proceedings in certain cases," approved March third, eighteen hundred and sixty-three, which relate to the discharge of prisoners other than prisoners of war, and to the penalty for refusing to obey the order of the court, shall be in full force so far as the same are applicable to the provisions of this section: *Provided further*, That the President shall first have made proclamation, as now provided by law, commanding such insurgents to disperse: *And provided also*, That the provisions of this section shall not be in force after the end of the next regular session of Congress.

Sec. 5. That no person shall be a grand or petit juror in any court of the United States upon any inquiry, hearing, or trial of any suit, proceeding or prosecution based upon or arising under the provisions of this act who shall, in the judgment of the court, be in complicity with such combination or conspiracy; and every such juror shall, before entering upon any such inquiry, hearing, or trial, take and subscribe an oath in open court that he has never, directly or indirectly, counseled, advised, or voluntarily aided any such combination or conspiracy; and each and every person who shall take this oath, and shall therein swear falsely, shall be guilty of perjury, and shall be subject to the pains and penalties declared against that crime, and the first section of the act entitled "An act defining additional causes of challenge and prescribing an additional oath for grand and petit jurors in the United States courts," approved June seventeenth, eighteen hundred and sixty-two, be, and the same is hereby repealed.

Sec. 6. That any person or persons, having knowledge that any of the wrongs conspired to be done and mentioned in the second section of this act



are about to be committed, and having power to prevent or aid in preventing the same, shall neglect or refuse so to do, and such wrongful act shall be committed, such person or persons shall be liable to the person injured, or his legal representatives, for all damages caused by any such wrongful act which such first-named person or persons by reasonable diligence could have prevented; and such damages may be recovered in any action on the case in the proper circuit court of the United States, and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in such action: *Provided*, That such action shall be commenced within one year after such cause of action shall have accrued; and if the death of any person shall be caused by any such wrongful act and neglect, the legal representatives of such deceased person shall have such action therefore, and may recover not exceeding five thousand dollars damages therein, for the benefit of the widow of such deceased person, if any there be, or if there be no widow, for the benefit of the next kin of such deceased person.

Sec. 7. That nothing herein contained shall be construed to supersede or repeal any former act or law except so far as the same may be repugnant thereto; and any offences heretofore committed against the tenor of any former act shall be prosecuted, and any proceeding already commenced for the prosecution thereof shall be continued and completed, the same as if this act had not been passed, except so far as the provisions of this act may go to sustain and validate such proceedings.

Approved, April 20, 1871.

SOURCE: *Congressional Globe*, 42nd Congress, 1st Session.



## Appendix 1

# COMMANDING GENERALS OF MILITARY DISTRICTS, AS PER THE MILITARY RECONSTRUCTION ACT OF MARCH 2, 1867

Once states had been readmitted to the Union, they were removed from the military districts, and eventually the districts ceased to exist. However, the army remained in the South, with these commands absorbed by larger regional commands. Commanders removed by President Andrew Johnson appear below in bold.

<i>First Military District: Virginia</i>	<i>Second Military District: North and South Carolina</i>	<i>Third Military District: Georgia, Alabama, Florida</i>	<i>Fourth Military District: Arkansas, Mississippi</i>	<i>Fifth Military District: Texas, Louisiana</i>
John M. Schofield (March 1867- June 1868) <sup>1</sup>	<b>Daniel Sickles</b> (March 1867- September 1867)	<b>John Pope</b> (March 1867- December 1867)	<b>E.O.C. Ord</b> (March 1867- December 1867)	<b>Philip Sheridan</b> (March 1867- September 1867)
George Stoneman (June 1868- April 1869)	E.R.S. Canby (September 1867- July 1868)	George G. Meade (December 1867- March 1869)	Alvan Gillem (December 1867- June 1868)	Joseph A. Mower (September 1867- November 1867)
E.R.S. Canby (April 1869- April 1870)		Alfred Terry (May 1869- May 1871) <sup>2</sup>	Irvin McDowell (June 1868- July 1868) <sup>3</sup>	Winfield Hancock (November 1867- March 1868)
			Alvan Gillem (July 1868- March 1869)	Robert Buchanan (March 1868- July 1868) <sup>4</sup>
			Adelbert Ames (March 1869- February 1870)	Joseph Reynolds (July 1868- December 1868)

*(continued)*

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<i>First Military District: Virginia</i>	<i>Second Military District: North and South Carolina</i>	<i>Third Military District: Georgia, Alabama, Florida</i>	<i>Fourth Military District: Arkansas, Mississippi</i>	<i>Fifth Military District: Texas, Louisiana</i>
				E.R.S. Canby (December 1868- April 1869)  Joseph Reynolds (April 1869- March 1870)

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<sup>1</sup>Schofield left to become Secretary of War in June 1868.

<sup>2</sup>Problems in Georgia resulted in the state being placed back under military supervision as the "District of Georgia."

<sup>3</sup>After June 1868, Mississippi alone comprised the Fourth Military District.

<sup>4</sup>After June 1868, Texas alone comprised the Fifth Military District.

## Appendix 2

# RECONSTRUCTION GOVERNORS FOR FORMER CONFEDERATE STATES

Listed below are the governors who served in the former Confederate states under the various phases of Reconstruction.

<i>State</i>	<i>Provisional Governor under Andrew Johnson</i>	<i>Elected Governor under Johnson's Plan</i>	<i>First Elected Governor under Congressional Reconstruction</i>
Alabama	Lewis E. Parsons	Robert M. Patton	William H. Smith
Arkansas	Isaac Murphy <sup>1</sup>	Isaac Murphy <sup>2</sup>	Powell Clayton
Florida	William Marvin	David S. Walker	Harrison Reed
Georgia	James Johnson	Charles J. Jenkins/ Rufus B. Bullock <sup>3</sup>	Rufus B. Bullock
Louisiana	Michael Hahn <sup>1</sup>	James Madison Wells	Henry C. Warmoth
Mississippi	William L. Sharkey	Benjamin G. Humphreys	James L. Alcorn (1870) <sup>4</sup>
North Carolina	William W. Holden	Jonathan Worth	William W. Holden
South Carolina	Benjamin F. Perry	James L. Orr	Robert K. Scott
Tennessee	William G. Brownlow <sup>1</sup>	William G. Brownlow <sup>2</sup>	None <sup>5</sup>
Texas	Andrew J. Hamilton	James W. Throckmorton	Edmund J. Davis
Virginia	Francis H. Pierpont <sup>1</sup>	Francis H. Pierpont/ Henry H. Wells <sup>2</sup>	Gilbert C. Walker

<sup>1</sup>Murphy, Hahn, Brownlow, and Pierpont took office during Lincoln's administration, and Johnson accepted them as legitimate.

<sup>2</sup>Johnson allowed Murphy, Brownlow, and Pierpont to serve out their terms as governor rather than require new gubernatorial elections. In Virginia, General John A. Schofield appointed Wells to succeed Pierpont when the latter's term expired in 1868.

<sup>3</sup>General George G. Meade removed Jenkins from office in January 1868. Rufus Bullock was appointed new provisional governor, and elected later that summer.

<sup>4</sup>From 1868 to 1870, General Adelbert Ames served as military provisional governor (he was elected governor in 1873). Alcorn was the first legitimately elected governor under the Military Reconstruction Acts.

<sup>5</sup>Tennessee had ratified the Fourteenth Amendment in 1866 so was not subject to the Military Reconstruction Acts.



## Appendix 3

# DATES OF READMISSION, REDEMPTION, AND RATIFICATION OF THIRTEENTH AND FOURTEENTH AMENDMENTS FOR FORMER CONFEDERATE STATES

<i>State</i>	<i>Readmission</i>	<i>Ratification of Thirteenth Amendment</i>	<i>Ratification of Fourteenth Amendment</i>	<i>Redemption</i>
<b>Alabama</b>	June 25, 1868	December 2, 1865	July 13, 1868	November 14, 1874
<b>Arkansas</b>	June 22, 1868	April 14, 1865	April 6, 1868	November 10, 1874
<b>Florida</b>	June 25, 1868	December 28, 1865	June 9, 1868	January 2, 1877
<b>Georgia</b>	July 15, 1870	December 6, 1865 <sup>1</sup>	July 21, 1868	November 1, 1871
<b>Louisiana</b>	June 25, 1868	February 17, 1865	July 9, 1868	January 2, 1877 (April 24) <sup>3</sup>
<b>Mississippi</b>	February 23, 1870	March 16, 1895	January 17, 1870	November 3, 1875
<b>North Carolina</b>	June 25, 1868	December 4, 1865	July 4, 1868	November 3, 1870
<b>South Carolina</b>	June 25, 1868	November 13, 1865	July 9, 1868 <sup>2</sup>	November 12, 1876 (April 11, 1877) <sup>3</sup>
<b>Tennessee</b>	July 24, 1866	April 7, 1865	July 19, 1866	October 4, 1869
<b>Texas</b>	March 30, 1870	February 18, 1870	February 18, 1870	January 14, 1873
<b>Virginia</b>	January 26, 1870	February 9, 1865	October 8, 1869	October 5, 1869 <sup>4</sup>

<sup>1</sup>Georgia provided the required three-quarters vote for ratification of the Thirteenth Amendment.

<sup>2</sup>South Carolina provided the required three-quarters vote for ratification of the Fourteenth Amendment.

<sup>3</sup>In Louisiana and South Carolina, the contested election led to rival governments and nearly civil war. The date in parentheses represents the actual date that conservatives resumed power, following President Rutherford Hayes's withdrawal of federal troops.

<sup>4</sup>Conservatives returned to power in Virginia before the state was readmitted to the Union.



# BIBLIOGRAPHY

As with the “Further Reading” segments attached to the encyclopedia entries, this section is not intended to be an exhaustive list. Rather, it reflects the sources for the material discussed in the Introduction, as well as a selection of important works for the specific field or topic in question.

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