Chapter 15: Reconstruction
Objectives:

- We will study the competing notions of freedom that arose in the years immediately after the Civil War, and the attempt by the Freedmen's Bureau to negotiate them.
- We will study the Reconstruction strategy begun by Abraham Lincoln before his death, and Andrew Johnson's response to it.
- We will study the rise of Radical Reconstruction and how it brought conflict between the President and Congress.
Psa_147:3 He healeth the broken in heart, and bindeth up their wounds.
In 1865 it became clear that the war was almost over, no one in Washington had yet formed a plan for what would happen to the defeated South.

Lincoln could not negotiate a treaty with the Confederate government, he insisted that the confederate government had no legal right to exist.

Yet he could not simply readmit Southern states into the Union as if nothing has happened.
The South suffered a catastrophe with no parallel in American history.

- Their economy in shambles, plantations burned, railroads and cities destroyed.
- 258,000 Confederate troops, 20 percent of the adult white male population was killed because of the war.
The Aftermath of war and Emancipation:

- There was a romanticizing of a lost cause of the South before the war or the good old days.
- Jefferson Davis, Lee, and Jackson were honored to almost religious level.
- Some 4 million African American emerged from bondage.
- Virtually none owned property.
- Most had no possession except the clothes they wore.
The Aftermath of war and Emancipation:

- In 1865, Southern society was in vast disarray and Black and Whites faced a future that was very uncertain.
- Reconstruction became a struggle to define the meaning of freedom.
African Americans freedom meant above all an end to slavery and to all the injustices and humiliation they associated with it.

But it also meant the acquisition of rights and protections that would allow them to live as free men and women in the same way white people did.
Competing Notions of Freedom:

- African Americans differed with one another on how to achieve freedom.
- Some demanded a redistribution of economic resources especially land.
- Others asked simply for legal equality, confident that given the same opportunities as white citizens they could advance successfully in American society.
Competing Notions of Freedom:

- But all African Americans were united in their desire for independence from White Control.
- Blacks immediately established their own autonomous African American communities.
- They pulled out of white-controlled churches and established their own.
- They created fraternal benevolent and mutual-aid societies.
- When they could, they began their own schools.
Competing Notions of Freedom:

- For most White Southerners, freedom meant something very different.
- It meant the ability to control their own destinies without interference from the North or the federal government.
- And in the immediate aftermath of the war they attempted to exercise this version of freedom by trying to restore their society in its antebellum form.
Competing Notions of Freedom:

- When white southerners fought for what they considered freedom, they were fighting above all to preserve local and regional autonomy and white supremacy.
- In March 1865, Congress established the Freedmen’s Bureau, an agency of the army directed by General Oliver O. Howard.
Competing Notions of Freedom:

- The Freedman’s Bureau distributed food to millions of former slaves.
- It established schools staffed by missionaries and teachers who had been sent to the South by Freedman’s Aid Societies and other private and church groups in the North.
- It made modest efforts to settle blacks on their own land.
- And also to assist Whites.
Many Northerners felt that the South should be punished in some way for the suffering and sacrifice its rebellion had caused.

Many Northerners believed that the South should be transformed and made over in the North’s urbanized image.
Issues of Reconstruction:

- Even among Republicans in Congress.
- There was considerable disagreement about the proper approach to Reconstruction—disagreement that reflected the same factional divisions that had created disputes over emancipation during the war.
- Conservatives insisted that the South accept the abolition of slavery, but proposed few other conditions for the readmission of the seceded states.
Issues of Reconstruction:

- Led by Representative Thaddeus Stevens and Senator Charles Sumner, urged that civil and military leaders of the Confederacy be punished, that large numbers of Southern whites be disenfranchised.
- That the legal rights of former slaves be protected, and that the property of wealthy white southerners who had aided the Confederacy be confiscated and distributed among the freedmen.
Some Radicals favored granting suffrage to former slaves.

Others hesitated since few Northern States permitted blacks to vote.

Uncommitted Republicans, the moderates who rejected the punitive goals of the Radicals but supported extracting at least some concessions from the South on African American rights.
Plans for Reconstruction:

- President Lincoln's sympathies lay with the moderate and conservatives of his party.
- He believed that a lenient Reconstruction policy would encourage Southern unionists and other former Whigs to join the Republican Government.
- And would thus prevent the readmission of the South from strengthening the Democrats.
Plans for Reconstruction:

- More immediately, the Southern unionists could become the nucleus of new loyal state governments in the South.
- Lincoln was willing to defer questions on freedmen and their future for the sake of reunification.
Plans for Reconstruction:

- Lincoln Reconstruction plan offered general amnesty to white Southerners other than high officials of the Confederacy who would pledge loyalty to the government and accept the elimination of slavery.
- Whenever 10 percent of the number of voters in 1860 took the oath in any state, those loyal voters could set up a state government.
- Lincoln also hoped to extend suffrage to African Americans who were educated and owned property.
The Radical Republicans were astonished at the mildness of Lincoln’s program.
They authored the Wade-Davis Bill which was passed by Congress.
It authorized the president to appoint a provisional governor for each conquered state.
When a majority of the white males of the state pledged their allegiance to the Union.
The governor could summon a state constitutional convention, whose delegates were to be elected by those who would swear that they had never borne arms against the U.S.
Plans for Reconstruction:

- The New state Constitutions would abolish slavery,
- disenfranchise Confederate civil and military leaders
- and repudiate debts accumulated by the state governments during the war.
Plans for Reconstruction:

- After a state had met these conditions, Congress would readmit it to the Union.
- Like the President's proposal, the bill left up to the states the question on political rights for blacks.
- Lincoln pocket vetoed the bill enraging Radical Republicans.
Death of Lincoln:

- Lincoln was assassinated on April 14, 1865 at Fords theater by John Wilkes Booth, actor and zealous advocate of the Southern cause.
- Booth had associates one of whom stabbed and wounded Secretary of State Seward the night of the assassination.
- Another abandoned in the last moment a plan to murder Vice President Johnson.
- Booth was later hunted down and shot to death by Union troops in a blazing barn.
Death of Lincoln:

- To many Northerners the murder of the president seemed evidence of an even greater conspiracy one masterminded and directed by the unrepentant leaders of the defeated South.
Johnson and Restoration:

- Andrew Johnson became president.
- A democrat until he joined the Union ticket with Lincoln in 1864, he became a Republican President.
- He was a difficult personality at a time when political tensions were high.
- He was openly hostile to the freed slaves and unwilling to support any plans that guaranteed them civil equality or enfranchisement.
Johnson revealed his plan for Reconstruction or Restoration when he took office.

And implemented it when Congress was in recess (not in session).

Like Lincoln he offered amnesty to those Southerners who would take an oath of allegiance.

High ranking Confederate officials with any white Southerner with land worth $20,000 or more would have to apply to the president for individual pardons.
Johnson and Restoration:

- Johnson a self-made man apparently liked the thought of the great planter aristocrats humbling themselves before him.
- It was similar to the Wade Davis Bill.
- Each state had a provisional governor appointed by the president.
- Who would invite qualified voters to elect delegates to a constitutional convention.
Johnson and Restoration:

- Johnson did not specify how many qualified voters were necessary but he implied that he would require a majority.
Johnson and Restoration:

- In order to win readmission to congress, a state had to revoke its ordinance of secession, abolish slavery, ratify the thirteenth amendment, and repudiate the Confederate and state war debts.
- The final process was for a state to elect a state government and send representatives to congress.
Radical Reconstruction:

- Reconstruction under Johnson’s plan often known as “presidential reconstruction continued only until Congress reconvened in December 1865.
- Congress refused to seat the representatives of the “restored” states and created a new Joint Committee of Reconstruction to frame a reconstruction policy of its own, Radical Reconstruction.
Events in the South were driving the North more radical.

Throughout the South in 1865 and early 1866, state legislatures were enacting set of laws known as Black Codes designed to give whites substantial control over former slaves.
Black Codes:

- Code authorized local officials to apprehend unemployed African Americans.
- Fine them for vagrancy.
- Hire them out to private employers to satisfy their fine.
- Some codes forbade blacks to own or lease farms or to take any jobs other than as plantation workers or domestic servants.
In April 1866, Congress passed the first Civil Rights Act. The Act declared African Americans to be citizens of the United States. The Act gave the federal government power to intervene in state affairs to protect the right of citizens.
Black Codes:

- Johnson vetoed that bill and another bill extending the life of Freedman’s Bureau and widening its power so it could nullify work agreements forced on freedman under black codes.
- But Congress overrode him on each of them the first time in U.S. History it has happened.
The Fourteenth Amendment:

- Offered the first constitutional definition of American citizenship.
- Everyone born in the U.S. and everyone naturalized was automatically a citizen and entitled to all the privileges and immunities guaranteed by the Constitution.
- Including equal protection of the laws by both the state and national governments.
- There could be no other requirements for citizenship.
The Fourteenth Amendment:

- The Amendment also imposed penalties, such as the reduction of representation in congress and in the electoral college on states that denied suffrage/voting to any adult male inhabitants.
Finally it prohibited former members of congress or other former federal officials who had aided the Confederacy from holding any state or federal office unless two-thirds of the congress voted to pardon them.
The Congressional Plan:

- Radicals passed three reconstruction bills early in 1867 and overrode Johnson’s vetoes of all of them.
- Two years after the war, these bill finally established a coherent plan for reconstruction.
The Congressional Plan:

- Under the congressional plan, Tennessee had ratified the Fourteenth Amendment, was promptly readmitted.
- Congress rejected the Lincoln-Johnson governments of the other ten Confederate states and instead combined these states into five military districts.
The Congressional Plan:

- A military commander, governed each district and had orders to register qualified voters defined as all adult black males and those white males who had not participated in the rebellion.
The Congressional Plan:

- Once registered, voters would elect conventions to prepare new state constitutions, which had to include provisions for black suffrage.
- Once voters ratified the new constitutions they could elect state governments.
The Congressional Plan:

- Congress had to approve a state’s constitution and the state legislature had to ratify the fourteenth amendment.

- Once that happened, and once enough states ratified the amendment to make it part of the constitution, then the former Confederate states could be restored to the Union.
The Congressional Plan:

- By 1868 seven of the ten former Confederate states fulfilled these conditions.
- Including ratifying of the fourteenth amendment which now was part of the Constitution and were readmitted to the Union.
The Congressional Plan:

- Congress also added one more requirement for readmission in 1870 for the remaining states that have yet to be readmitted.
- The Fifteenth Amendment forbade the states and the federal government to deny suffrage to any citizen on the account of race, color or previous condition of servitude.
The Congressional Plan:

- To stop presidential interference with their plans, congressional radicals passed two laws.
- One being the Tenure of Office Act, that forbade the president to remove civil officials, including members of his own cabinet without the consent of the Senate.
The principal purpose of the law was to protect the job of the Secretary of War Edwin M. Stanton who was cooperating with Radicals.

- The other law was the Command of the Army Act that prohibited the president from issuing military orders except through the commanding general of the army (Grant)
- Who could not be relieved or assigned elsewhere without the consent of the senate.

The Congressional Plan:
The congressional radicals also took action to stop the Supreme Court from interfering with their plans.

In 1866 the court had declared in the case *Ex parte Milligan* that military tribunals were unconstitutional in places where civil courts were already functioning.

The decision threatened the military government that radicals were attempting to set up in the South.
Radicals in Congress immediately proposed several bills that would require two-thirds of the justices to support any decision overruling a law of congress. And would deny the court jurisdiction in reconstruction cases, would reduce its membership to three, and would even abolish it.
The Congressional Plan:

- The justices apparently took notice.
- Over the next two years, the court refused to accept jurisdiction in any cases involving Reconstruction and congressional bills concerning the court never passed.
The Impeachment of the President:

- Radicals tried to find any legal grounds to remove Johnson from office.
- Johnson was politically opposed to the radicals; radicals wanted him out.
- Radicals believed that when Johnson dismissed Secretary of War Stanton despite Congress’s refusal to agree violated the Tenure of Office Act and was grounds for impeachment.
The House quickly impeached the president and sent the case to the Senate for trial.

But moderate Republicans broke rank and was one vote short of constitutionally required two-thirds majority.

The Radicals dropped the impeachment effort.