

Name: _____ Date: _____ Period: _____

From the Historians: Reconstruction

Noble, David. *The Free and the Unfree*. New York: Penguin, 1988. (282 – 283)

1. What did the assassination of Lincoln demonstrate?

2. What did blacks have to be able to do to be free workers?

3. What did the Democratic vice-presidential candidate, Francis Blair, warn in 1868?

Noble, David. *The Free and the Unfree* (284-285)

4. How did the northern Republican Party take control of the southern states?

5. Who did many of the northern Republicans (carpetbaggers) have more respect for in the South?

Zinn, Howard. *A People's History of the United States*. New York: Harper Collins, 1995. (192- 193).

6. What happened to the land that was given to African Americans by General Sherman?

7. Why did the American government fight the slave states in 1861?

8. How would the Republican Party “maintain control of the national government”?

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Zinn, Howard. (194 -195)

9. What was the purpose of the 1875 Civil Rights Act?

10. How did Mississippi's "black codes" treat freedmen?

Zinn, Howard. (198 -201)

11. What happened in Memphis, Tennessee in May of 1866?

12. What happened to Charles Caldwell?

13. What did the court rule in the *Plessy v. Ferguson* case?

14. How did Rutherford B. Hayes get the electoral votes he needed to win the Presidency?

Foner, Eric. *The Story of American Freedom*. New York: WW Norton, 1998. (110 - 113).

15. Why was the "experiment in interracial democracy" short-lived?

16. What was Thaddeus Stevens one of the few people to advocate?

17. According to William Coleman, what should have happened during Reconstruction?

11/ Radical Republicans had disagreed with Lincoln throughout the war about the strength and danger of the planter aristocracy. Economically, radical Republicans represented the rapidly developing industrial capitalists of the Northeast and Midwest. They were strongly committed to creating a uniform and standardized national marketplace for their products. They had been frustrated by southern opposition to their legislative program in the 1850s and feared that southerners returning to Congress would join with northern Democrats to dismantle the favorable economic legislation, particularly the tariff, passed during the war.

Persuaded by the myth of a feudal South, radical Republicans had objected violently to Lincoln's plan for a lenient reconstruction which would permit the continuity of Confederate leadership in the southern states after the war. With Lincoln's death, congressional radicals were in a position to seize control of reconstruction from the new President, Andrew Johnson, a Tennessee Democrat, who had been made Lincoln's running mate in 1864 to symbolize the nonpartisan and national nature of the war effort.

Radical Republicans not only could outmaneuver this stranger to their party, but also could use Lincoln's death, ironically, to discredit the continuation of Lincoln's policies. The assassination of the President, declared the radicals, demonstrated that the planters were still in conspiratorial rebellion. "Now is the critical time," asserted Wendell Phillips, "the rebellion has not ceased, it has only changed its weapons. Once it fought; now it intrigues." The *New York Tribune* argued that "the hands of the rebel are again red with loyal blood."

Although only a few radical Republicans, Thaddeus Stevens and Charles Sumner among them, advocated the revolutionary idea of citizenship for free blacks, they were able to persuade other radicals and even some conservative Republicans to endorse their position by arguing that black citizenship was necessary if the planter aristocracy was to be destroyed.

Southern whites, organizing their state government under the Lincoln-Johnson Plan of Reconstruction, passed "Black Codes" which held the freedmen on the plantations where they had worked as slaves. From the perspective of the radical Republicans, the freedmen under such restraints were still a peasantry. There could be no disestablishment of the South's feudal aristocracy until blacks obtained the right to leave the plantations. Not until blacks could travel freely could they be free workers, able to respond to the

rational demands of the marketplace. This reasoning led many Republicans to support the idea of black citizenship.

As the congressional elections of 1866 approached, northern Democrats often endorsed southern political leaders who, in the words of South Carolina's B. F. Perry, insisted that the states should have a "white man's government intended for white men only." For many northern Democrats, such as Representative James Brooks of New York, a leader of congressional opponents of radical reconstruction, blacks were a "repugnant race." And Francis Blair, Democratic vice-presidential candidate in 1868, warned that "unless Negroes submit to the intelligent guidance of the powerful white race, their fate will be that of the Indians, they will be exterminated." President Johnson identified himself with these Democrats when he warned the voters that "of all the dangers which our nation has yet encountered, none are equal to those which must result from the success of the effort now [being made] to Africanize the half of our country."

Despite the strength of the southern Democrats, the Republican majority in Congress simply refused to seat any representatives from the southern states. The radical Republicans also won smashing victories over the northern Democrats by waving the "bloody shirt." Remember, said Robert Ingersoll, "every man that shot Union soldiers was a Democrat. The man that assassinated Abraham Lincoln was a Democrat. Soldiers, every scar you have got on your heroic bodies was given you by a Democrat."

The radical Republicans by early 1867 had a large enough majority to override any veto by President Johnson. First, they passed a Freedmen's Bureau Act and Civil Rights Act. Next, on March 2, 1867, they voted a Reconstruction Act that dismantled the southern state governments and divided the states into five military districts, each under the control of an army general. The army assumed responsibility for registering white and black voters. Confederate leaders were disfranchised and constitutional conventions were called to draft new state constitutions. The conventions were ordered by the army to accept the Fourteenth Amendment, which created national citizenship for all males. Acceptance was a necessary prerequisite for the states to avoid military occupation and re-enter the Union.

Congressional Republicans moved to consolidate their control of the national government by reducing the size of the Supreme Court and by intimidating the remaining justices. They also impeached

President Johnson and came within one vote of convicting him in the Senate. This assumption of power by the legislative branch, unprecedented in American history, depended upon the support of the northern constituency. Most northern labor leaders identified their interests with those of the industrialists; they largely supported the disintegration of the nonproductive economic and social systems of the South. Similarly, the officer corps of the army chose to support Congress rather than the President.

Through the use of the army, the Freedmen's Bureau, and the Union League, organized by the Republican party throughout the southern states, seven hundred thousand blacks were registered to vote. Because many white southerners chose to stand with their disfranchised Confederate leaders and refused to register, only six hundred thousand whites were eligible to vote. The northern Republican party had effectively taken political control of the southern states.

In 1868, the Republicans elected the war hero General Ulysses Grant to the Presidency. A majority of northern and southern white voters cast their ballots for the Democratic candidate in 1868. It was only the ability of the Republicans to deliver the electoral votes of the southern states, based on black majorities, that elected Grant. Northern Republicans moved to consolidate this new power base by enacting the Fifteenth Amendment, which stated that the right to vote "shall not be denied, on account of race, color, or previous condition of servitude."

It was whites, of course, who dominated the national Republican party, and it was whites who dominated the state Republican parties in the South. White army officers, white civilians from the North who went South as carpetbaggers, and southern whites, scalawags, who collaborated with these northerners, provided the top political leadership in every southern state. No black was a governor during Reconstruction. Blacks were never a majority in any state senate. Only in South Carolina, where 65 percent of the population was black, were blacks elected a majority in the lower house. Only two blacks, Hiram R. Revels and Blanche K. Bruce, served in the United States Senate, and both were from Mississippi, which was also more than 50 percent black.

Most of these black politicians were content, at first, to follow the white leadership. They agreed with P. B. S. Pinchback, a black leader of Louisiana, that "it is false, it is a wholesale falsehood to say that we wish to force ourselves upon white people." They accepted the

social segregation imposed on them by the northern carpetbaggers and southern scalawags. "There is an antagonism which we all have against the Negro race," said B. H. True, a New York carpetbagger in Georgia, "that I cannot get rid of; I do not believe any white man can." These white Republicans initiated legislation that prohibited intermarriage between the races and created a system of segregated public schools.

Both the carpetbaggers and the scalawags had more respect for the disfranchised white leadership of the South than for their black constituents, and they sympathized with the desire of these whites to regain their individual status as first-class citizens and to have their states return to a normal relationship with the Union. Pardons from the President and Congress began to restore that individual citizenship. Normal relationships with the Union would be established when outside military and political control ended, and the southern states could choose, as the northern states did, their own leadership.

The majority of white southerners, therefore, hoped to re-enter the Union in 1869; they were not struggling to retain a regional way of life. Their representatives and senators wept on the floor of Congress when they were permitted once more to participate in the nation of their southern fathers, of Washington and Jefferson and Madison and Monroe and Jackson and Polk. But in 1869, they perceived their inferior status because other states were free of military rule and other states did not have to share political power with blacks.

There would be no black congressmen from the North until the election of Oscar DePriest in 1928; no black senator until the election of Edward Brooke in 1966, and few local officials or mayors until the 1970s. For white southerners, however, the black majorities in many counties throughout the region posed a real threat; blacks could claim the right to share leadership. And in states like South Carolina, Mississippi, and Louisiana, where black majorities existed, the trend was for blacks increasingly to claim that right. Unlike the situation in the North after acceptance of the Fourteenth and Fifteenth Amendments, southern blacks, with the rights of geographic mobility and the vote, were not going to quietly accept second-class citizenship and docilely follow white leadership. They would compete with whites for political, economic, or social leadership.

As the hysteria of the Civil War receded, however, northern Republicans were willing to listen to reports from army officers and

Many Negroes understood that their status after the war, whatever their situation legally, would depend on whether they owned the land they worked on or would be forced to be semislaves for others. In 1863, a North Carolina Negro wrote that "if the strict law of right and justice is to be observed, the country around me is the entailed inheritance of the Americans of African descent, purchased by the invaluable labor of our ancestors, through a life of tears and groans, under the lash and yoke of tyranny."

Abandoned plantations, however, were leased to former planters, and to white men of the North. As one colored newspaper said: "The slaves were made serfs and chained to the soil. . . . Such was the boasted freedom acquired by the colored man at the hands of the Yankee."

Under congressional policy approved by Lincoln, the property confiscated during the war under the Confiscation Act of July 1862 would revert to the heirs of the Confederate owners. Dr. John Rock, a black physician in Boston, spoke at a meeting: "Why talk about compensating masters? Compensate them for what? What do you owe them? What does the slave owe them? What does society owe them? Compensate the master? . . . It is the slave who ought to be compensated. The property of the South is by right the property of the slave. . . ."

Some land was expropriated on grounds the taxes were delinquent, and sold at auction. But only a few blacks could afford to buy this. In the South Carolina Sea Islands, out of 16,000 acres up for sale in March of 1863, freedmen who pooled their money were able to buy 2,000 acres, the rest being bought by northern investors and speculators. A freedman on the Islands dictated a letter to a former teacher now in Philadelphia:

My Dear Young Missus: Do, my missus, tell Linkum dat we wants land—dis bery land dat is rich wid de sweat ob de face and de blood ob we back. . . . We could a bin buy all we want, but dey make de lots too big, and cut we out.

De word cum from Mass Linkum's self, dat we take out claims and hold on ter um, an' plant um, and he will see dat we get um, every man ten or twenty acre. We too glad. We stake out an' list, but fore de time for plant, dese commissionaries sells to white folks all de best land. Where Linkum?

In early 1865, General William T. Sherman held a conference in Savannah, Georgia, with twenty Negro ministers and church officials, mostly former slaves, at which one of them expressed their need: "The

way we can best take care of ourselves is to have land, and till it by our labor. . . ." Four days later Sherman issued "Special Field Order No. 15," designating the entire southern coastline 30 miles inland for exclusive Negro settlement. Freedmen could settle there, taking no more than 40 acres per family. By June 1865, forty thousand freedmen had moved onto new farms in this area. But President Andrew Johnson, in August of 1865, restored this land to the Confederate owners, and the freedmen were forced off, some at bayonet point.

Ex-slave Thomas Hall told the Federal Writers' Project:

Lincoln got the praise for freeing us, but did he do it? He gave us freedom without giving us any chance to live to ourself and we still had to depend on the southern white man for work, food, and clothing, and he held us out of necessity and want in a state of servitude but little better than slavery.

The American government had set out to fight the slave states in 1861, not to end slavery, but to retain the enormous national territory and market and resources. Yet, victory required a crusade, and the momentum of that crusade brought new forces into national politics: more blacks determined to make their freedom mean something; more whites—whether Freedman's Bureau officials, or teachers in the Sea Islands, or "carpetbaggers" with various mixtures of humanitarianism and personal ambition—concerned with racial equality. There was also the powerful interest of the Republican party in maintaining control over the national government, with the prospect of southern black votes to accomplish this. Northern businessmen, seeing Republican policies as beneficial to them, went along for a while.

The result was that brief period after the Civil War in which southern Negroes voted, elected blacks to state legislatures and to Congress, introduced free and racially mixed public education to the South. A legal framework was constructed. The Thirteenth Amendment outlawed slavery: "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 Fourteenth Amendment repudiated the prewar Dred Scott decision by declaring that "all persons born or naturalized in the United States" were citizens. It also seemed to make a powerful statement for racial equality, severely limiting "states' rights":

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.

The Fifteenth Amendment said: "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."

Congress passed a number of laws in the late 1860s and early 1870s in the same spirit—laws making it a crime to deprive Negroes of their rights, requiring federal officials to enforce those rights, giving Negroes the right to enter contracts and buy property without discrimination. And in 1875, a Civil Rights Act outlawed the exclusion of Negroes from hotels, theaters, railroads, and other public accommodations.

With these laws, with the Union army in the South as protection, and a civilian army of officials in the Freedman's Bureau to help them, southern Negroes came forward, voted, formed political organizations, and expressed themselves forcefully on issues important to them. They were hampered in this for several years by Andrew Johnson, Vice-President under Lincoln, who became President when Lincoln was assassinated at the close of the war. Johnson vetoed bills to help Negroes; he made it easy for Confederate states to come back into the Union without guaranteeing equal rights to blacks. During his presidency, these returned southern states enacted "black codes," which made the freed slaves like serfs, still working the plantations. For instance, Mississippi in 1865 made it illegal for freedmen to rent or lease farmland, and provided for them to work under labor contracts which they could not break under penalty of prison. It also provided that the courts could assign black children under eighteen who had no parents, or whose parents were poor, to forced labor, called apprenticeships—with punishment for runaways.

Andrew Johnson clashed with Senators and Congressmen who, in some cases for reasons of justice, in others out of political calculation, supported equal rights and voting for the freedman. These members of Congress succeeded in impeaching Johnson in 1868, using as an excuse that he had violated some minor statute, but the Senate fell one vote short of the two-thirds required to remove him from office. In the presidential election of that year, Republican Ulysses Grant was elected, winning by 300,000 votes, with 700,000 Negroes voting, and so Johnson was out as an obstacle. Now the southern states could come back into the Union only by approving the new Constitutional amendments.

Whatever northern politicians were doing to help their cause, south-

ern blacks were determined to make the most of their freedom, in spite of their lack of land and resources. A study of blacks in Alabama in the first years after the war by historian Peter Kolchin finds that they began immediately asserting their independence of whites, forming their own churches, becoming politically active, strengthening their family ties, trying to educate their children. Kolchin disagrees with the contention of some historians that slavery had created a "Sambo" mentality of submission among blacks. "As soon as they were free, these supposedly dependent, childlike Negroes began acting like independent men and women."

Negroes were now elected to southern state legislatures, although in all these they were a minority except in the lower house of the South Carolina legislature. A great propaganda campaign was undertaken North and South (one which lasted well into the twentieth century, in the history textbooks of American schools) to show that blacks were inept, lazy, corrupt, and ruinous to the governments of the South when they were in office. Undoubtedly there was corruption, but one could hardly claim that blacks had invented political conniving, especially in the bizarre climate of financial finagling North and South after the Civil War.

It was true that the public debt of South Carolina, \$7 million in 1865, went up to \$29 million in 1873, but the new legislature introduced free public schools for the first time into the state. Not only were seventy thousand Negro children going to school by 1876 where none had gone before, but fifty thousand white children were going to school where only twenty thousand had attended in 1860.

Black voting in the period after 1869 resulted in two Negro members of the U.S. Senate (Hiram Revels and Blanche Bruce, both from Mississippi), and twenty Congressmen, including eight from South Carolina, four from North Carolina, three from Alabama, and one each from the other former Confederate states. (This list would dwindle rapidly after 1876; the last black left Congress in 1901.)

A Columbia University scholar of the twentieth century, John Burgess, referred to Black Reconstruction as follows:

In place of government by the most intelligent and virtuous part of the people for the benefit of the governed, here was government by the most ignorant and vicious part of the population. . . . A black skin means membership in a race of men which has never of itself succeeded in subjecting passion to reason; has never, therefore, created civilization of any kind.

inalienable, constitutional and natural right to love whom I may, to love as long or as short a period as I can; to change that love every day if I please."²⁸

Reviled as enemies of civilized society, the era's small band of self-proclaimed free lovers were hardly libertines; even as they exalted "social freedom" and thundered against existing laws for "enslaving" women to loveless marriages, most led conventional domestic lives. But attacks on the institution of marriage by Stanton, Woodhull, and others thoroughly alienated defenders of public morality. Most damaging to the movement, in the short run, was Woodhull's public revelation of the Beecher-Tilton affair, a scandal involving an amorous relationship between Henry Ward Beecher, the nation's preeminent divine, and Elizabeth Tilton, wife of a leading reform editor. Woodhull's "crime" was making matters public that were widely thought to be properly private. That an advocate of "free love" committed the transgression made it appear doubly outrageous. Respectable opinion rallied to Beecher's defense and the resulting furor caused women's rights activists to pull back from public discussion of divorce. The scandal contributed to the passage of the Comstock law of 1873, barring from the mails "obscene" materials, including information on birth control.²⁹

But this cause célèbre was not the only reason why forthright calls for "social freedom" waned. Even as Stanton and her followers spoke of liberalizing divorce, former slaves, young and old, flocked to the army, the Freedmen's Bureau, and local authorities to legalize their marriages for the first time. To blacks, the denial of family rights was a basic evil of slavery and the right to form stable families a defining characteristic of freedom. For most white women as well, including many feminists, marriage remained a sacrament and lifetime bond, not a contractual arrangement dissolvable at will. In the *Woman's Journal*, Lucy Stone denounced "this loose, pestiferous talk in favor of easy divorce" for weakening an institution that offered emotional intimacy and economic support to women in a world where few were truly able to live independently. The solution to domestic violence against women, Stone insisted, was not divorce but state protection of battered wives and punishment of wife-beaters.³⁰

The largest women's organization of the late nineteenth century, the Women's Christian Temperance Union (WCTU), with 150,000 members by 1892, rallied its followers under the slogan, "Home Protection." Although Frances Willard, the organization's president, insisted that the "larger liberty of woman" lay in the freedom to develop individually and to contribute to the social welfare, the WCTU appealed most powerfully to the millions of women who defined their roles as wives and mothers. Determined to ban hard liquor

from American life, the WCTU eventually endorsed woman suffrage, but it could never bring itself to favor easier divorce. Nor did other reformers respond favorably to what the labor leader Samuel Gompers called Woodhull's "extreme doctrine." When the New York branch of the International Workingmen's Association came under Woodhull's influence, Karl Marx, then residing in England, himself ordered its expulsion. Labor, Gompers noted, would never support a program "that threw overboard the family institution." Indeed, commented one female opponent of women's suffrage, the greatest barrier to the movement's success was the "intuitive sense," among both men and women, that the "political independence of women would be the wreck of our present domestic institutions."³¹

Those who continued to raise the issue of birth control, moreover, found themselves subject to legal prosecution. Scores of persons were arrested under the Comstock law, among them the anarchist and free lover Ezra Heywood, sentenced to two years in prison for distributing *Cupid's Yokes*, a plea for sexual freedom within and outside marriage. Meanwhile, the WCTU established a Department for the Suppression of Impure Literature. For all these reasons, discussions of the reform of marriage and a woman's right to control her own sexuality retreated from public life. Not until the twentieth century would "social freedom," and the related question of the right to freedom of speech on sexual matters, resurface as significant public issues within the feminist movement and beyond.³²

All in all, Reconstruction did little to expand the definition of women's freedom. Reconstruction Republicans saw emancipation as restoring to blacks the natural right to family life, in which men would take their place as heads of the household and women theirs in the domestic sphere from which slavery had unnaturally removed them. Restoring the freedman's "manhood" and women's right to raise their children was central to the meaning of freedom. Several congressmen explicitly denied that the Thirteenth Amendment's prohibition of "involuntary servitude" applied to relations within the family. "A husband has a right of property in the service of his wife," said one, which the abolition of slavery was not intended to destroy. Along with the right to "personal liberty," declared Republican John Kasson of Iowa, the male-headed family, embodying the "right of a husband to his wife" and of a "father to his child," comprised the "three great fundamental natural rights of human society." When it came to the suffrage, few in Congress, even among Radical Republicans, responded sympathetically to feminists' demands. Reconstruction, they insisted, was the "Negro's hour" (the hour, that is, of the black male). Even Charles Sumner, the Senate's most uncompromising egalitarian, as the feminist Francis Gage

lamented, fell "far short of the great idea of liberty" so far as the rights of women were concerned.³³

Thus, even as it rejected the racialized definition of freedom that had emerged in the first half of the nineteenth century, Reconstruction left the law of marriage and conventions of gender relations largely intact. When women tried to use the rewritten legal code and Constitution to claim equal rights, they found the courts singularly unreceptive. Myra Bradwell invoked the prerogatives of free labor (including the right to choose one's occupation) in challenging an Illinois statute limiting the practice of law to men, but the Supreme Court in 1873 rebuffed her claim. Free labor principles, the justices declared, did not apply to women, since "the law of the Creator" had assigned them to "the domestic sphere." Soon afterward, Virginia Minor challenged the limitation of voting rights to men on the grounds that denial of the suffrage violated the "perfect freedom" all citizens should enjoy. Chief Justice Morrison Waite responded that citizenship was fully compatible with disenfranchisement; it meant "membership in a nation and nothing more."³⁴

The Court's arguments regarding women were harbingers of a more general narrowing of the meaning of citizenship that would soon strip from blacks many of the protections extended by the Reconstruction Congress. Among feminists, disappointment with what they deemed a betrayal by male abolitionists and Radicals contributed to a shift away from "equal rights feminism," grounded in the abolitionist movement's universalist category of "equal citizen," to a feminism of "difference," in which women's claims rested on the unique moral contribution their special nature enabled them to make to American society. It also produced a split in the movement between those who saw the Fourteenth and Fifteenth Amendments as steps toward truly universal suffrage, and others who deemed the enfranchisement of black men a new barrier to women's voting. The latter group concluded that feminists must free themselves from dependence on the antislavery tradition, form fully independent organizations, and locate new allies wherever they could find them.³⁵

Despite its palpable limitations, Reconstruction wrote a remarkable chapter in the story of American freedom. Most remarkable of all was the brief moment of Radical Reconstruction in the South (1867-77), during which, as one former slave later put it, "the tocsin of freedom sounded," and black men, for the first time in American history, enjoyed a genuine share of political power. The southern experiment in interracial democracy proved shortlived, succumbing during the 1870s to violent opposition by the Ku Klux Klan and the North's retreat from the ideal of equality. Southern black communities never forgot this injustice. "The Yankees helped free us, so they say," former slave

Thomas Hall told an interviewer in the 1930s, "but they let us be put back in slavery again." But the Reconstruction amendments remained embedded in the Constitution, sleeping giants to be awakened by the efforts of subsequent generations to redeem the promise of freedom for the descendants of slavery. The importance of this accomplishment ought not to be underestimated: repudiating the racialized definition of democracy that had emerged in the first half of the nineteenth century was a major step toward reinvigorating the idea of freedom as a universal entitlement.³⁶

Even while it lasted, however, Reconstruction revealed many of the tensions inherent in nineteenth-century definitions of freedom. Efforts to give the former slaves land failed to receive congressional approval. If emancipation, as Douglass had remarked, represented a convergence of the slaves' interests and those of the nation, eventually those interests, and their respective definitions of freedom, were destined to diverge. Only a minority of Republican policymakers, most notably Radical congressman Thaddeus Stevens, sought to resurrect the older view—the view put forward by the ex-slaves—that without ownership of productive property, genuine freedom was impossible. In this respect, the high hopes inspired by emancipation remained unfulfilled.

Soon after the Civil War ended, a group of former slaves on Edisto Island, South Carolina, protested their eviction from land that had been assigned them by General Sherman shortly after his meeting with Savannah ministers. Landless and homeless, they lamented, they would be economically dependent on their former owners: "this is not the condition of really free men." Long after the end of Reconstruction, a sense of disappointment over the failure to distribute land lingered. "I knows I spected a lot different from what I did get from freedom . . ." William Coleman, an elderly ex-slave, recalled in the 1930s. "Yes, sir, they should have given us part of Master's land as us poor old slaves we made what our Masters had."³⁷

In retrospect, Reconstruction emerges as a decisive moment in fixing the dominant understanding of economic freedom as self-ownership and the right to compete in the labor market, rather than propertied independence. The policy of according black men a place in the political nation while denying them the benefits of land reform fortified the idea that the free citizen could be a dependent laborer. Thus, Reconstruction helped to solidify the separation of political and economic spheres, the juxtaposition of political equality and economic inequality, as the American way. Henceforth, it would be left to dissenters—labor radicals, populists, socialists, and the like—to resurrect the older idea of economic autonomy as the essence of freedom.

remains for me to do; I suppose I am yet to help break the chain. I have done a great deal of work; as much as a man, but did not get so much pay. I used to work in the field and bind grain, keeping with the cradler; but men doing no more, got twice as much pay. . . . I suppose I am about the only colored woman that goes about to speak for the rights of the colored women. I want to keep the thing stirring, now that the ice is cracked. . . .

The Constitutional amendments were passed, the laws for racial equality were passed, and the black man began to vote and to hold office. But so long as the Negro remained dependent on privileged whites for work, for the necessities of life, his vote could be bought or taken away by threat of force. Thus, laws calling for equal treatment became meaningless. While Union troops—including colored troops—remained in the South, this process was delayed. But the balance of military powers began to change.

The southern white oligarchy used its economic power to organize the Ku Klux Klan and other terrorist groups. Northern politicians began to weigh the advantage of the political support of impoverished blacks—maintained in voting and office only by force—against the more stable situation of a South returned to white supremacy, accepting Republican dominance and business legislation. It was only a matter of time before blacks would be reduced once again to conditions not far from slavery.

Violence began almost immediately with the end of the war. In Memphis, Tennessee, in May of 1866, whites on a rampage of murder killed forty-six Negroes, most of them veterans of the Union army, as well as two white sympathizers. Five Negro women were raped. Ninety homes, twelve schools, and four churches were burned. In New Orleans, in the summer of 1866, another riot against blacks killed thirty-five Negroes and three whites.

Mrs. Sarah Song testified before a congressional investigating committee:

Q. Have you been a slave?

A. I have been a slave.

Q. What did you see of the rioting?

A. I saw them kill my husband; it was on Tuesday night, between ten and eleven o'clock; he was shot in the head while he was in bed sick. . . . There were between twenty and thirty men. . . . They came into the room. . . . Then one stepped back and shot him. . . . he was not a yard from him; he put the pistol to his head and shot him three times. . . . Then one of them kicked him, and another

shot him again when he was down. . . . He never spoke after he fell. They then went running right off and did not come back again. . . .

The violence mounted through the late 1860s and early 1870s as the Ku Klux Klan organized raids, lynchings, beatings, burnings. For Kentucky alone, between 1867 and 1871, the National Archives lists 116 acts of violence. A sampling:

1. A mob visited Harrodsburg in Mercer County to take from jail a man name Robertson Nov. 14, 1867. . . .
5. Sam Davis hung by a mob in Harrodsburg, May 28, 1868.
6. Wm. Pierce hung by a mob in Christian July 12, 1868.
7. Geo. Roger hung by a mob in Bradsfordville Martin County July 11, 1868. . . .
10. Silas Woodford age sixty badly beaten by disguised mob. . . .
109. Negro killed by Ku Klux Klan in Hay county January 14, 1871.

A Negro blacksmith named Charles Caldwell, born a slave, later elected to the Mississippi Senate, and known as "a notorious and turbulent Negro" by whites, was shot at by the son of a white Mississippi judge in 1868. Caldwell fired back and killed the man. Tried by an all-white jury, he argued self-defense and was acquitted, the first Negro to kill a white in Mississippi and go free after a trial. But on Christmas Day 1875, Caldwell was shot to death by a white gang. It was a sign. The old white rulers were taking back political power in Mississippi, and everywhere else in the South.

As white violence rose in the 1870s, the national government, even under President Grant, became less enthusiastic about defending blacks, and certainly not prepared to arm them. The Supreme Court played its gyroscopic role of pulling the other branches of government back to more conservative directions when they went too far. It began interpreting the Fourteenth Amendment—passed presumably for racial equality—in a way that made it impotent for this purpose. In 1883, the Civil Rights Act of 1875, outlawing discrimination against Negroes using public facilities, was nullified by the Supreme Court, which said: "Individual invasion of individual rights is not the subject-matter of the amendment." The Fourteenth Amendment, it said, was aimed at state action only. "No state shall . . ."

A remarkable dissent was written by Supreme Court Justice John Harlan, himself a former slaveowner in Kentucky, who said there was Constitutional justification for banning private discrimination. He noted

that the Thirteenth Amendment, which banned slavery, applied to individual plantation owners, not just the state. He then argued that discrimination was a badge of slavery and similarly outlawable. He pointed also to the first clause of the Fourteenth Amendment, saying that anyone born in the United States was a citizen, and to the clause in Article 4, Section 2, saying "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

Harlan was fighting a force greater than logic or justice; the mood of the Court reflected a new coalition of northern industrialists and southern businessmen-planters. The culmination of this mood came in the decision of 1896, *Plessy v. Ferguson*, when the Court ruled that a railroad could segregate black and white if the segregated facilities were equal:

The object of the amendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political equality, or a commingling of the two races upon terms unsatisfactory to either.

Harlan again dissented: "Our Constitution is color-blind. . . ."

It was the year 1877 that spelled out clearly and dramatically what was happening. When the year opened, the presidential election of the past November was in bitter dispute. The Democratic candidate, Samuel Tilden, had 184 votes and needed one more to be elected: his popular vote was greater by 250,000. The Republican candidate, Rutherford Hayes, had 166 electoral votes. Three states not yet counted had a total of 19 electoral votes; if Hayes could get all of those, he would have 185 and be President. This is what his managers proceeded to arrange. They made concessions to the Democratic party and the white South, including an agreement to remove Union troops from the South, the last military obstacle to the reestablishment of white supremacy there.

Northern political and economic interests needed powerful allies and stability in the face of national crisis. The country had been in economic depression since 1873, and by 1877 farmers and workers were beginning to rebel. As C. Vann Woodward puts it in his history of the 1877 Compromise, *Reunion and Reaction*:

It was a depression year, the worst year of the severest depression yet experienced. In the East labor and the unemployed were in a bitter and violent

temper. . . . Out West a tide of agrarian radicalism was rising. . . . From both East and West came threats against the elaborate structure of protective tariffs, national banks, railroad subsidies and monetary arrangements upon which the new economic order was founded.

It was a time for reconciliation between southern and northern elites. Woodward asks: ". . . could the South be induced to combine with the Northern conservatives and become a prop instead of a menace to the new capitalist order?"

With billions of dollars' worth of slaves gone, the wealth of the old South was wiped out. They now looked to the national government for help: credit, subsidies, flood control projects. The United States in 1865 had spent \$103,294,501 on public works, but the South received only \$9,469,363. For instance, while Ohio got over a million dollars, Kentucky, her neighbor south of the river, got \$25,000. While Maine got \$3 million, Mississippi got \$136,000. While \$83 million had been given to subsidize the Union Pacific and Central Pacific railroads, thus creating a transcontinental railroad through the North, there was no such subsidy for the South. So one of the things the South looked for was federal aid to the Texas and Pacific Railroad.

Woodward says: "By means of appropriations, subsidies, grants, and bonds such as Congress had so lavishly showered upon capitalist enterprise in the North, the South might yet mend its fortunes—or at any rate the fortunes of a privileged elite." These privileges were sought with the backing of poor white farmers, brought into the new alliance against blacks. The farmers wanted railroads, harbor improvements, flood control, and, of course, land—not knowing yet how these would be used not to help them but to exploit them.

For example, as the first act of the new North-South capitalist cooperation, the Southern Homestead Act, which had reserved all federal lands—one-third of the area of Alabama, Arkansas, Florida, Louisiana, Mississippi—for farmers who would work the land, was repealed. This enabled absentee speculators and lumbermen to move in and buy up much of this land.

And so the deal was made. The proper committee was set up by both houses of Congress to decide where the electoral votes would go. The decision was: they belonged to Hayes, and he was now President.

As Woodward sums it up:

The Compromise of 1877 did not restore the old order in the South. . . . It did assure the dominant whites political autonomy and non-intervention