

RECONSTRUCTION: 1866 - 1876.

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Irene Ingraham.

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Reconstruction embraces the political problem of restoring the seceded states to their normal relations with the Union after the suppression of armed resistance to the Laws and to the Constitution. From the very beginning of the Civil War the question of reconstruction was discussed by Northern political leaders; many of them hoped that the war would decide this question; but at the close the northern men were far from any agreement as to the proper manner of restoring the states; Georgia, South Carolina, Virginia, Tennessee, North Carolina, Alabama, Louisiana, Texas, Arkansas, Florida and Mississippi to the Union.

Discussions concerning reconstruction made clear some of the problems which were to be solved, and gave the opportunity for plans for getting the South back into its former relations to the central government. The political leaders were puzzled by such questions as; What is a state, and are the states in or out of the Union? Could the states be punished for secession, and should the leading force in the reconstruction be Congress, the Executive, or the Southern communities? The difficulty of this political problem was further increased by the length and bitterness of the war. The terms of reconstruction that were possible in eighteen hundred sixty-one were impossible in eighteen hundred sixty-six. Every battle that was lost or won, and every case of mistreatment of soldiers was in a certain way a factor in anti-slavery action and in reconstruction.

In President Lincoln's Inaugural address he said, "That no state could upon mere motion get out of the Union and all resolves and ordinances to that effect are void!" He thought as commander-

in-chief, he should endeavor to restore civil relations with the states themselves. On December eight, eighteen hundred sixty-three he issued the Amnesty Proclamation, in which amnesty was offered to all except specified classes of leading men; the proclamation further stated that, if in any of the seceded states 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 eighteen hundred sixty, each having taken the oath and not having since violated it and being a qualified voter by the election law of the state existing immediately before the act of secession and excluding all others, shall re-establish a state government which shall be republican and be recognized as the true government of the state. The state shall then receive the benefits of the constitutional provision which says, "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 application of the legislature, against domestic violence." This proclamation also suggested that in the construction of a loyal state government, the name of the state, the boundaries, and the general code of laws be the same as before the rebellion.

In Lincoln's annual message to Congress, December, eighteen hundred sixty-three, he said that this was not the only plan which might possibly be acceptable, and that as executive he had no right to say when or whether members should be admitted to Congress. The sole right of the government civil and military was to restore the seceded states to their former relations with the national government.

Vice-President Johnson's ideas of reconstruction were practically the same as Lincoln's, the theory of indestructibility of

states. On the twenty-ninth of May, eighteen hundred sixty-five, he issued an Amnesty Proclamation. This differed from Lincoln's Proclamation in that the exceptions shut out almost all of the leading men of the seceded states, but that pardon might be granted by special application to the President. Johnson thought that the states were not destroyed when they went into the rebellion, and that they came out as states but all state functions were destroyed. He said, "The citizens of these states forfeited their rights to vote with loyal men when they renounced their citizenship and tried to destroy the government. All traitors must be punished and impoverished." On July second, eighteen hundred sixty-five, Congress sent the Wade Davis plan to President Johnson, but he withheld his approval and it did not become a law. After Congress had adjourned he issued a Proclamation regarding reconstruction, in which he offered to recognize any reconstruction acts that might be done in accordance with the Wade Davis Bill.

Benjamin Wade, chairman of the committee on "rebellious states" in the Senate, and H. W. Davis of the House of Representatives, originated a bill which was finally passed. It provided that the seceded states were to be treated as rebellious communities and the President was authorized to appoint a provisional Governor for each. This Governor should exercise all the powers of the civil government in the community to which he might be appointed, until the state government should be recognized by Congress as restored to the Union. The United States Marshall should enroll all the white male citizens of the United States, residents of the state, to take oath of allegiance to the United States. These citizens might elect delegates to conventions for the purpose of forming state governments. All persons

in the rebellion were disqualified to hold any office either civil or military in the United States. The constitutions formed by these conventions were to be submitted to the voters of the states and if ratified by a majority of the voters, they were to be sent to the President, and with the consent of Congress he should proclaim the new state government as established. Representatives and Senators were to be chosen, and slavery was to be abolished in the rebellious states.

Charles Sumner, from Massachusetts, and one of the leaders of the Republican party in the Senate, advanced a plan of reconstruction known as the State Suicide Theory, which stated that any vote of secession or other act by which any state may undertake to put an end to the supremacy of the constitution within the state, forfeits all its rights under the constitution. Since slavery is a local institution, derived from local laws and upheld by state authority, it ceases to exist legally when the state on which it depends no longer exists. The constitution provides that "no state shall enter into any confederation, or without consent of Congress keep troops or ships of war in time of peace, or enter into any agreement or compact with any other state, grant letters of marque and reprisal, and without the consent of Congress lay any duties or exports." These have all been done by the seceded states and they will not be allowed to come back into the Union without agreeing upon the following conditions; first, Re-establishment of loyalty; second, Enfranchisement of all citizens; third, Rejection of rebel debt; fourth, Organization of educational system; fifth, The conduct of citizens elected to office must give assurance of peace and reconciliation.

The theory of the Republicans of the House of Representatives as set fourth by Thaddeus Stevens was, that the states had lost their

constitutional relations to the Union and were not capable of representation in Congress. It makes no difference whether the states are out of the Union or are conquered territories, it requires the action of Congress to enable them to form new state governments and to send representatives to Congress. They must be admitted as new states or remain conquered provinces. Congress alone has the power to create states and declare when they are entitled to representation.

A joint committee from Senate and House of Representatives was appointed to investigate the problem of reconstruction. In their report the following ideas were set forth. The war had changed the relations between the seceded states and the loyal states. Slavery had been abolished by amendment and a large proportion of the population had become free, and their rights were to be established. By provision of the constitution, representation is based on the whole number of free persons in each state and three-fifths of all other persons, and when all persons become free, representation for all must necessarily follow. Since the confederate states voluntarily renounced their rights to representation by secession, they have no right to complain of exclusion from Congress and must prove that they have established a republican form of government in harmony with the federal government, and have abandoned all hostile acts of treason and rebellion before they can again secure representation. By the ordinances of secession, the states forfeited all civil and political rights under the constitution and they can only be restored by the authority of that constitutional power against which they rebelled. The committee came to the following conclusions; first, That the states lately in rebellion were, at the close of the war, disorganized communities, without civil government and without constitutions; therefore, political relations could not legally exist between them

and the federal government; second, That Congress can not be expected to recognize as valid the election of representatives from disorganized communities that were unable to present their claim to representation under the recognized rules that have always been required; third, Congress would not be justified in admitting such communities to the government of the country without first providing such constitutional and other guarantees as will to secure the civil rights of all citizens of the republic, equality of representation, temporarily restore the rights to those who did not take part in the effort to destroy the Union.

To President Lincoln the reconstruction of a state was simply the re-establishment by the state of its normal conditions. Arkansas had been re-organized under the federal authority before the election of eighteen hundred sixty-four. Lincoln recognized the newly established governments in Louisiana and Tennessee, but when the electoral votes were sent in from these states, both houses of Congress refused to receive them. When Senators and Representatives from Arkansas and Louisiana, elected in accordance with Lincoln's plan of reconstruction, presented themselves to Congress in eighteen hundred sixty-four, they were rejected on the grounds that they had been chosen by a small part of the people of their states. The elections in the southern states had been held under military protection, and a few of the representatives elected were from states in which Lincoln's Proclamation of eighteen hundred sixty-one, declaring the states to be in rebellion, had not yet been recalled. Legally these states were still in rebellion against the government of which they wished to become officials. In eighteen hundred sixty-four Congress passed the Wade Davis Bill. The steps of reconstruction in this bill were nearly the same as those of a state in being created from a

territory, but the adoption of this bill in the disturbed condition of the country would have postponed reconstruction and would have destroyed the progress already made in some of the states. Lincoln vetoed the Wade Davis Bill. His plan was given a fair trial and he did not insist that Congress should admit Senators and Representatives from his reconstruted states. He thought his duty extended only to putting in motion the machinery by which they were elected in the states. Lincoln's plan was introduced into a fourth state, North Carolina, but at this critical period he was killed by an assassin April fourteenth, eighteen hundred sixty-five. Although his death made no great break in the presidential theory of reconstruction as Vice-President Johnson's ideas were practically the same as those of Lincoln, yet the change of presidents made a great deal of difference. Johnson could not understand and persuade men as Lincoln could; he was rash and headstrong. Johnson was a Union man but had been a Democrat and was Senator from Tennessee when it seceded. He sympathized with southern men in almost everything except their hostility to the Union.

During the first eight months of Johnson's presidency there was no chance for Congress to interfere as it did not meet until December fourth, eighteen hundred sixty-five. The governments of Arkansas, Tennessee and Louisiana had already been re-organized under President Lincoln. In Virginia, the Alexandria government, a revolutionary government which Congress recognized, called a convention. In the spring of eighteen hundred sixty-four, the voters of Virginia adopted a constitution according to Lincoln's theory of construction, and in May, eighteen hundred sixty-five, President Johnson refused to recognize the Govenor elected under the revolutionary government. This new constitution was now adopted by the people of the state.

On May twenty-ninth the President issued his Amnesty Proclamation, and by the end of July he had appointed provisional Governors in all the states not yet re-organized. The qualified voters in these states held constitutional conventions, Johnson assured the people he would recognize and support their government if they agreed to the abolition of slavery and establish a government which was to him republican in form. This had been done by every state except Texas by the fall of eighteen hundred sixty-five. Senators and Representatives had been elected and were ready to apply for admission to Congress when it met. February first, eighteen hundred sixty-five, Congress proposed the Thirteenth Amendment, which would prohibit slavery and involuntary servitude within the United States or any place subject to their jurisdiction. West Virginia, Maryland, Tennessee and Missouri to whose territories Lincoln's Proclamation had not applied, had already begun a process of emancipation. If his Emancipation Proclamation was legal and valid, slavery existed only in Kentucky and Delaware. This amendment was accepted by eleven of the former slave holding states. Without the ratification of the southern states the amendment would lack that assent of three-fourths of states which is necessary for its validity. Secretary Seward made official proclamation of its embodiment in the constitution by the constitutional vote of twenty-seven of the thirty-six states.

Although the state constitutions just adopted had abolished slavery, yet in several of the states laws were passed in regard to labor contracts and employment which restrained the negroes. An apprentice system was adopted by which all minor negroes were made subject to be bound out until they reached a certain age. The southern law makers thought that such restraint and compulsion were necessary for the control of a race which so recently had been slaves, and that they were unfit to exercise their new liberty to their own

advantage. Congress looked at these acts in an entirely different manner. To the members of Congress they were acts of violation of the freedom of the negro. Some of the members thought that the southern states when defeated were conquered provinces of the United States, or that a territory coming into the Union becomes a state and a state going out of the Union becomes a territory. Others held the same theory as Thaddeus Stevens of Pennsylvania.

When Congress met in eighteen hundred sixty-four, the Republicans were in a majority. The names of the states that had seceded were omitted from roll-call. After both houses were organized, a resolution was passed by both, appointing a joint committee of nine representatives and six senators to enquire into the conditions of the seceded states and to advise Congress upon the question of their being entitled to representation under the existing governments. Two years later a joint resolution was passed, that provided that neither senators nor representatives should be received from southern states until Congress should declare them entitled to representation by re-admission to the Union.

Congress in eighteen hundred sixty-five established the Freedmen's Bureau. It was given authority to assist the slaves in finding means of subsistence, provide for sick and helpless for a term of one year. The officers of this Bureau secured for the negroes the protection of federal law against all unfriendly acts of the local laws. They also did what they could to settle disputes between the employer and his former slaves. The Freedmen's Bureau had been limited to one year but in February eighteen hundred sixty-six Congress passed a bill continuing it for two more years and greatly increasing its powers. This bill made any attempt to obstruct or interfere with the civil rights of the freedmen a penal offense to be punished by federal military tribunals and the right to try all such offences.

President Johnson vetoed this bill and enough members of Congress were friendly to him to make it impossible for Congress to pass it over his veto. The breach between the President and the Republicans now widened. In July passed another bill continuing the Bureau. It provided for the education of the blacks, giving the proceeds from the confiscated lands for that purpose, the rights of the freedmen to be enforced by the army. Johnson vetoed this bill, but he had now lost many of his friends and it was promptly passed over his veto. The Freedmen's Bureau was not abolished until eighteen hundred seventy. In March after Johnson's first veto of the Freedmen's Bureau bill, Congress passed a Civil Rights Law, which gave the freedmen the same rights to life, liberty and the pursuit of happiness which the white people possessed, but did not include political rights. The President vetoed this law, declaring it to be unconstitutional. To avoid the question of constitutionality and to make sure that it would not be repealed, the Republicans resolved to force the Civil Rights Bill into the constitution. In June, eighteen hundred sixty-six, Congress proposed the Fourteenth Amendment which declared that; "All persons born or naturalized in the United States and subject to their jurisdiction were citizens both of the United States and of the several states of their residences." It provided for a reduction of Congressional representation of any state that should withhold the franchise from any male citizen of voting age, excluded from federal office the most prominent men of the Confederacy until Congress should pardon them. By an act, July twenty-fourth Tennessee, which had accepted the Thirteenth and had agreed to the Fourteenth Amendment, was admitted to representation in Congress. The remaining seceded states rejected the Fourteenth Amendment. The joint committee gave their report before Congress adjourned.

A caucus of Republicans carried out a program which gave them complete control of reconstruction. Their scheme provided that the newly elected Congress should meet in March, eighteen hundred sixty-seven, instead of December; this would give the President no chance to carry out the measures which Congress opposed during the long congressional recess. The rules were strengthened to prevent the southern members from being admitted to Congress. The Republicans next passed the Tenure of Office Act, by which the President was forbidden to remove or appoint any government official without consent of the Senate. A rider to this bill made General Grant who was in charge of the military forces of the government, practically independent of President Johnson's command. Another act established universal suffrage in the District of Columbia and in all the territories. Both of these acts were passed over Johnson's veto, as was the Reconstruction Act which became a law March second, eighteen hundred sixty-seven. According to this law the states which had passed ordinances of secession except Tennessee, were formed into five military districts, each district was under command of the Generals of the army. These military commanders were to enroll in each state upon oath all the male citizens of one years residence, not disqualified to vote by the terms of the Fourteenth Amendment. These voters were to hold an election in each state for delegates to a state convention, the number of delegates to be appointed according to the registered vote in each voting district. These conventions were to make constitutions to be submitted to the voters for ratification, and if adopted, they were to be sent to Congress, through the President, for approval. When the constitutions were approved of by Congress, each of the reconstructed states were to be admitted to representation as soon as their new legislatures had ratified the Fourteenth Amendment.

The conditions of this act practically excluded from voting the old white population of the south, and gave voting power to the blacks and white immigrants from the north. The northern whites came to the south in large numbers; they had no intention of permanently residing in the south, and were not burdened with much baggage. One carpet bag was quite often sufficient to hold the belongings of these northern immigrants and they were called the Carpet Baggers. The negroes were all admitted to enrollment, and in this way the negroes and the northern whites gained control of the state governments, and in the states where the negroes were the most numerous an extraordinary amount of public crime set in under the form of law. Taxes were increased, the proceeds went into the hands of the law makers and their confederates. The debts became enormous. The legislatures of these new state governments were composed of the Carpet Baggers and men without property or character, who controlled the negro vote. The state houses were furnished in magnificent style, but at the end of each session all the furnishings disappeared and the legislative halls had to be refurnished. Many of the legislators could not read or write. In several states the white vote was strong enough to control, but it was in these states that reconstruction was the longest delayed.

By the end of June, eighteen hundred sixty-eight, provision had been made for the re-admission of Arkansas, North Carolina, South Carolina, Florida, Georgia, Louisiana and Alabama to representation in Congress. Reconstruction was delayed in Virginia, Mississippi and Texas because of the impossibility of securing popular majorities for the constitutions. Georgia was held back from reconstruction because her laws had declared negroes ineligible to hold office. These four states remained under military government.

The Fourteenth Amendment was declared to be in force June eighteen hundred sixty-eight, and the election of General Grant for President in the following November indicated that the majority of the voters desired the process of reconstruction to be completed according to the Acts of Congress and the Fourteenth Amendment. In February, eighteen hundred sixty-nine, Congress added one more safe-guard to the freedmen's rights as citizens by proposing the Fifteenth Amendment. This provided that neither the federal government nor any state government could abridge the rights of citizens of the United States to vote on account of race, color or previous condition of servitude. The ratification of the Amendment as well as the Fourteenth was now made a condition of the re-admission of Virginia, Mississippi, Texas and Georgia to the Union. The Fifteenth Amendment was declared to be in force in March, Eighteen hundred seventy.

Many white people of the south were not satisfied with the disturbed conditions of southern politics under reconstruction. They tried to defeat the party in power by the organization in eighteen hundred sixty-six of a secret society known as the "Ku Klux Klan." This organization tried to prevent the freedmen from voting. Colored people were threatened, frightened, whipped and ill used. Later the Klan treated the whites in the same manner. In eighteen hundred seventy this secret society had established such a reign of terror in the south that the colored people would not vote. In May of this same year Congress passed a Force Bill to carry out the Fourteenth and Fifteenth Amendments but it had no effect upon the "Ku Klux Klan." In April, eighteen hundred seventy-one a second Force Bill was passed. Severe punishment was to be inflicted upon those who committed the outrages and the President was allowed to carry out the law by the army and the navy. Many men were arrested, tried and sentenced to

prison. Under this law the "Ku Klux Klan" disappeared. This year saw the end of reconstruction by Congress. Virginia and Georgia were admitted in January, Mississippi in February, and Texas had been admitted the year before. The southern states were not yet left to solve their own problems. Under the Force Bills the President had the power to keep troops in the south and to interfere in public affairs as it was believed by the northern people that the negroes would be mistreated. The result was a constantly disturbed condition in the south.

In eighteen hundred seventy-two Congress passed the Amnesty Bill which pardoned all who took part in the war against the Union, with the exception of about three hundred of the most prominent leaders. The troops still remained in the south. President Grant said in eighteen hundred and seventy-four, "The whole public are tired out with these annual out-breaks and riots in the south, and many are ready to condemn any interference on the part of the government!" Many of the troops were withdrawn in the latter part of Grant's administration, but it was not until eighteen hundred seventy-six that the national government ceased its watchfulness over the south. In eighteen hundred seventy-seven the troops were entirely withdrawn by President Hays. One of the unfortunate conditions of this long struggle was that it divided the political parties of the south along the race question. The year eighteen hundred seventy-seven closed the period of reconstruction. One might say that from this year, a new nation has been created and new policies adopted.